

July
Dates
March

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THE REPUBLIC:

A MONTHLY MAGAZINE,

DEVOTED TO THE

DISSEMINATION OF POLITICAL INFORMATION.

Vol. VIII.—No. 3. MARCH, 1877. Whole No. 49.

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PUBLISHED BY

THE REPUBLIC PUBLISHING COMPANY,
WASHINGTON, D. C.

\$2 PER ANNUM, IN ADVANCE.

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1877—VOLUME VIII.

THE REPUBLIC.

A POLITICAL SCIENCE MONTHLY MAGAZINE.

THE REPUBLIC entered upon its *eighth volume* with the January number, 1877. Its publishers are pleased to announce that it has grown steadily in public favor, and that it is regarded by all who have consulted its pages as a power for good throughout the Union. Its past course—consistent, fearless, patriotic—is the index of its future. It will continue to defend the right, denounce the wrong, and endeavor to point out, at all times, the true path to follow, by all who appreciate and wish to aid in advancing the peace and material prosperity of their country. On the question of the Presidential contest of 1876-'7, it took its position at the head of the loyal column and did yeoman service until Rutherford B. Hayes was declared President of the United States, and Republicanism—the synonym of justice and liberty—had again triumphed over the opponents of a free ballot, popular education, civil and religious toleration, and good government.

THE REPUBLIC calls upon its friends to aid it in the great work of the present and future. It desires each subscriber to send in at least one additional name to help swell its ranks, and thus add to its power and activity. Is it asking too much—in consideration of the valuable material furnished the cause—to ask that our friends everywhere exert themselves to secure for THE REPUBLIC as many new subscribers as possible?

For their generous confidence and warm support the publishers of THE REPUBLIC return thanks, and hope in the future, as in the past, to deserve by well-doing the good-will so often expressed.

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THE REPUBLIC.

Devoted to the Dissemination of Political Information.

VOL. VIII.

WASHINGTON, D. C., MARCH, 1877.

No. 3.

“HAYES HAS 185 VOTES, AND IS ELECTED.”

Telegram from Z. CHANDLER, Nov. 9, 1876.

The above famous dispatch of November 9th has proven prophetic. It has been trebly vindicated, first, by the official returns; second, by the electoral commission created through Democratic influence to test the validity of the claim; third, by public opinion. It flashed over the wires at a time when Tilden's election was conceded by many, and, though it came from a leader whose political sagacity had never been at fault, it was regarded by many skeptical Republicans as too good to be true. But its truth has been established. It has stood unshaken in the midst of the fiercest political contest of modern times, and remains as true as when uttered by its distinguished author two days after the election. It was based upon reliable evidence; and the desperate efforts of Democracy to disprove it have only tended to reveal more clearly the truth upon which it rested.

But the struggle has ended, and over its results we congratulate the American people. Right has triumphed; justice has asserted its supremacy, and the Republic begins its second century with its government in the hands of men as loyal and true as those who stood guard at its birth. The majesty of the ballot has been acknowledged; and before a majority of one vote forty-five millions of people bow as cheerfully as they would before a majority of one hundred.

In reviewing the contest since the day of election we discern the hand of Providence leading the nation through unseen dangers

as a skillful pilot would a ship through the sunken reefs of a treacherous sea. The very desperation of our opponents has been turned to our advantage. Their efforts to prove corruption upon the Republican party have resulted in disclosing to the world the purity and patriotism of Republican leaders. Every investigation has recoiled upon Democracy. The exposure of telegrams has resulted in bringing to the light a series of Democratic dispatches wherein money was promised for the purchase of votes and tempting bribes offered for the buying of Republican electors. Not a line could be found to reflect upon the honor of the Republican managers. Every dispatch, every letter, every proposition and suggestion might be written on the doors of a church without bringing a blush of shame to the cheeks of any American citizen. So with the investigation of campaign expenditures and the laying bare of bank accounts, the revelations have been in favor of the Republican party, while Democratic transactions have been unearthed that clearly proved that the corrupt tactics of Tammany were not lost sight of in the attempt to elect Mr. Tilden. Surely the friends of good government throughout the world have reason to congratulate each other that the Republican party has passed through the fiery ordeal, forced upon it by Democratic hate, and emerged from it purer and stronger than ever.

With the vindication of its original claim and the peaceful inauguration of President

Hayes the Republican party turns its back upon the antagonisms of the past.

It desires to bury in oblivion the injustice done it and the efforts put forth to rob it of its right. For the sake of peace, and to have its claim recognized, even by its opponents, it partially surrendered its constitutional right and submitted a certainty to the arbitration of an impartial tribunal. For the sake of the nation it will avoid the rekindling of party animosities, and will seek through a liberal policy the awakening of that spirit of patriotism which will bring to its support many who have been blinded with prejudice against it. It will invite the co-operation of good citizens everywhere to bring about the complete pacification of the country by measures calculated to subdue party passions, restore industries, resume specie payments, cancel in good faith our national obligations, and make universal the enjoyment of the rights of citizenship.

The next ten years of its history will round out its record of usefulness, and men who to-day revile at it and hate it because they do not comprehend its true character, will hasten to do justice to its merits when the scales of party prejudice shall fall from their eyes, and permit them to behold the grandeur of the work it has accomplished.

Now, that its tenure of power is assured, we look for a revival of business, a restoration of confidence throughout the land, and for a long period of unexampled prosperity. The dread of Democratic supremacy is no longer felt. The inauguration of Hayes has lifted a burden of doubt and anxiety from the business men of the country, and will cause them to return to their old channels of commercial activity. The future is no longer doubtful, it is bright with promise, and tens of thousands will start forward with renewed energy to realize the possibilities which it holds in store.

We do not regret the closeness of the contest. It has proven to the world that public virtue still rules in our Republic, and that the party of freedom is practically incorruptible. Out of one hundred and eighty-five electors not one could be found willing to sell his vote. They turned aside from the tempter and performed their duty

without fear or favor. Some of them were poor in money, but all were rich in patriotism and virtue, and they proved by their acts that there was not money enough in the Democratic party to induce them to betray their sacred trusts. To these men and to the members of returning boards in the closely contested States the nation owes a debt of gratitude which can never be canceled. In the name of liberty, which they have preserved, and speaking for generations yet unborn who will enjoy the fruits of their labors, we thank them for their heroic devotion to the right, and their services to the Republic. They saved, by their fidelity and courage, the fruits of four years of war, and held for the future the results of a century of free government.

To justify their faith and to show to the world that the Republican party is still worthy of public confidence, and able to meet the growing difficulties of government, should be the duty and privilege of its friends. The mission of the party is not ended, for with the inauguration of Hayes a new era began in its eventful career. It has education to foster, patriotism to rekindle, resources to develop, and general prosperity to restore to the country. To the accomplishment of its work it calls upon every good citizen to lend a helping hand, and invites the blessing and protection of Providence on its patriotic labors.

SECRETARY CHANDLER'S TELEGRAM.—The *Washington Star*, of March 2, says: "Secretary Chandler has proved himself a prophet. A few days after the election he telegraphed from New York the result, and a copy of this dispatch was posted up in one of the windows of the building on F street occupied by the National Republican Committee. It was a large piece of brown paper with the legend inscribed in rude letters, 'Hayes has 185 votes and is elected. Chandler.' The placard is still up to silently attest Mr. Chandler's accuracy in forecasting the result of the Presidential election."

WITH Rutherford B. Hayes as Chief Magistrate, and gold at 1.04 $\frac{1}{2}$, peace and prosperity, specie payments and good will to all men will be the principal features in the life of the Republic for the next four years.

WILLIAM ALMON WHEELER.

VICE PRESIDENT OF THE UNITED STATES.

William A. Wheeler, like President Hayes, springs from an old Puritan stock, famous for brave deeds and noble works. Both are derived from Vermont parentage. Grandfather Wheeler was in the first Concord fight, and throughout the Revolutionary struggle Mr. Wheeler's maternal grandfather, William Woodward, fought in the ranks of the Patriots.

William A. Wheeler was born June 30, 1819, at Malone, New York. Poverty and hardships was the lot of his boyhood. His father, Almon Wheeler, a lawyer by profession, had died when William was but eight years old. His mother, Eliza Woodward Wheeler, a noble Christian woman, of gentle manners, but "of great force of character," upon the death of her husband, reckoned as her sole wealth an incumbered estate valued at \$300. Her native energy and an abiding faith in Heaven sustained her in her troubles. By her labor in keeping boarders she maintained her little family, and assisted and encouraged William in acquiring an education, first in the district schools, and then at the University of Vermont. Thus encouraged, his own sterling qualities, his energy, perseverance, and endurance, supplied the rest. In winter he taught school and "boarded around;" in summer he labored at farming, pursuing his studies the while. He was in the class of 1842.

Under Mr. Asa Hascall he studied law, was admitted to the bar, and by his abilities and industry soon achieved a high reputation and success as "a keen advocate and wise counselor." As a Whig in politics, he in 1846 was elected district attorney; in 1849 and again in 1850 he was elected to the State Assembly, and in 1859 and 1860 to the State Assembly. When the old Whig party fell under the intrigues of slavery, Mr. Wheeler entered the ranks of freedom: he joined the Republican party. In 1856 he actively and zealously labored for the election of Fremont, and in 1860 for that of Abraham

Lincoln. In 1856, during the "Border Ruffian" raiding in Kansas, his sympathy was with the victims of proslavery tyranny. He, in 1856, while at Chicago, contributed \$100 to the fund "for distributing material aid to our hunted and oppressed brethren" in Kansas, and in 1860, upon the firing upon Fort Sumter, contributed \$1,000 for the relief of soldiers' families. In the Thirty-seventh, Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses, he served as a Representative. He was chairman of the Committees of Commerce and the Pacific Railroad; was a member of the Belknap impeachment committee, a member of the Committee on Appropriations, and as a member of the committee on Southern affairs was the author of the Louisiana adjustment, known as the "Wheeler compromise." As a banker and railroad manager he acquired a handsome reputation for business ability, tact, and integrity, and in every relation, under all circumstances, throughout his useful public career, he has maintained—and deservedly—the character of an able statesman, an inflexible patriot, and a Christian gentleman.

In 1867 he was elected a delegate at large to the Constitutional convention of the State of New York. In that convention were such men as Wm. M. Evarts, G. W. Curtis, H. Greeley, Sanford E. Church, Ira Harris, Samuel J. Tilden, and Edwards Pierrepont, "representatives of the best legal, financial, and administrative talent in the Empire State." Of a body so imposing Mr. Wheeler was chosen chairman almost by acclamation, and presided with such marked ability, dignity, and impartiality, that at its close Mr. Sanford E. Church said: "I have had some experience in deliberative bodies, and I can say without qualification that for impartiality, fairness, and ability, I have never seen a presiding officer excel the presiding officer of this body." Like dignity and ability will distinguish him as President of the Senate,

THE RETIREMENT OF PRESIDENT GRANT.

The retirement of President Grant to private life closes for the present one of the most brilliant and eventful careers in American history. For fifteen years he has been the central figure in the nation, on whom millions have relied for safety and protection. From Belmont to Appomattox, throughout the trying period of reconstruction, and during the eight years of his administration, his life has been one ceaseless round of severe labor, enough to have broken down any one but a Hercules, whose shoulders were broadened by Providence to bear the burdens he was destined to carry. As a soldier he stood unequalled, and whether his victories were the result of his matchless energies or his surpassing skill, they will ever rank among the most brilliant of either ancient or modern times. His most inveterate political enemy cannot fail to accord him the highest praise as a military leader. The armies he wielded, the talent and courage he opposed, the masterly movements he planned and executed, and the results he achieved have won for him a name and fame that will outlive the Republic he served. As a General he never knew such a word as failure. Beaten to-day he became the victor to-morrow. He had faith in the possibilities of organized power, and had the rare faculty of applying it at the very moment when others would fail. He wrested victory from defeat, and more than once plucked success from the very jaws of failure. His genius appeared to be equal to any occasion. While others sat down before difficulties to study out the best way to surmount them, he grappled them in an instant and triumphed over them. His policy was to seek out the enemy, and when he found him to fight him—believing that a thousand killed in battle would save ten thousand from dying in hospital. He was a fighting General in every sense of the term, and his men were infused with his spirit, and felt when the battle opened that they had a leader who could not be beaten. An army believing itself invinci-

ble is like an avalanche in motion, it sweeps over everything in its path. So Grant's army swept over everything it encountered, until there was nothing left to oppose it but shattered regiments and worn-out men, who had reached the end of human endurance. The series of battles fought by the Army of the Potomac from the Rapidan to Richmond were terrible in the extreme, yet they shortened the war and saved tens of thousands of lives that its prolongation would have sacrificed. Lee's magnificent army melted away before Grant's fierce attacks, and the fangs of the rebellion were effectually broken. The rebel power received its death-blow, and its subsequent efforts were simply the dying struggles of a wounded giant. After all, the war was a question of resources, a game of give and take, and the winner was to be the one that could stand the fearful drain of blood and treasure longest. Both sides were equal in point of courage and skill, but the weight of artillery and the force of numbers were on the side of the North. Grant saw this from the first, and by dealing blow after blow, giving the enemy no chance to recover, he finally compelled his worn-out adversary to surrender. When Lee laid down his sword at Appomattox the confederacy was not conquered, it was simply exhausted. Its last man had been drawn, its last shot fired, its provisions consumed, it had no other alternative but submission or annihilation. The fighting policy of Grant had at last forced it into the last ditch and there it died. Under a temporizing policy it could not have been destroyed. It would have grown stronger each year, and finally won recognition. It was a tumor on the body politic. McClellan's soothing sirups and salves might ease the pain, but it required the sharp, decisive cutting of Grant to remove it, and save the nation. He was a thorough believer in the heroic treatment, and the Republic lives to-day because he had the skill and courage to apply it.

With the safety of the nation, or rather

its deliverance from armed rebellion, came new dangers hardly less formidable than the ones from which Grant's sword had rescued the Government. The disbandment of the two opposing armies, the extreme poverty of the Southern States, the complete disorganization of society consequent upon the overthrow of their recognized government, and the lawless element suddenly released from the rebel armies, brought about serious difficulties, which required administrative firmness and statesmanship of a high order. Throughout this period of reorganization, popularly known as the period of reconstruction, General Grant showed rare sagacity, and by his magnanimity and good judgment brought about a healthy condition of affairs, something akin to good will between the two sections. The Southern people saw him in a new light. He was no longer the dashing soldier, trampling Confederate armies under foot, and marking the path of his victorious march by fire and sword, but the true friend to the suffering; quick to help, advise, and protect. He lost the character of a conqueror in the work of the pacificator. He sought to bind up the wounds of the war, and to encourage the people to rebuild their prosperity. He urged a policy of generous treatment toward those who had aided the rebellion, and the nation adopted it. Helping hands were extended; Northern capital was proffered; and an era of good feeling promising the early revival of patriotism throughout the South, and a genuine acceptance of the results of war seemed about to dawn upon the nation.

But it was to be otherwise. The true friend was ignored, and the false one accepted. Grant's policy was to rebuild the South on the basis of a returning love for the Union, but it failed before the treacherous policy of Andrew Johnson. Grant was but a general; Johnson was President, and to his seductive whisperings the Southern people lent a willing ear. Whether he intended it or not, he made treason respectable, and the friends of the Union throughout the South odious. From the date of his interference in Southern affairs the South began to regard its condition as due

to the tyranny of the North. The open rupture of the President with Grant and many of the leaders in the Union cause fanned the flame of discontent. The ex-Confederates no longer felt that they had brought their troubles upon themselves by a causeless rebellion. They forgot the magnanimous treatment which gave them life and property when both were forfeited. Johnson had taken sides with them; lifted them into full fellowship with himself; magnified their wrongs, and made their sins, by contrast, positive virtues. Union men were no longer welcome. Social ostracism followed. Northern men, with muscle and money, who had gone down to help rebuild the waste places, were transformed into carpet-baggers, while the native Southerner, who had surrendered in good faith, and turned his back upon the Bourbon Democracy, was posted as a scallawag and persecuted by his Johnsonized neighbors. Treason was no longer a crime to be repented of, but a virtue to be extolled and rewarded; and from that day to this the badge of distinction that admits its possessor to the highest honors in the Southern States is a clear record of fidelity to the rebel cause. It is humiliating to acknowledge, but nevertheless true, that the most distinguished friend of the Union cause could not, if passed upon by the white vote of the South, be elected to the humblest office within the gift of its people.

It is hard to speak ill of the dead, but the charity that overlooks the individual cannot forget his acts. Through Johnson's treachery reconstruction became a failure. It forced upon the country two great political mistakes: universal amnesty and universal suffrage. Both should have been qualified, yet Johnson's claim to the right to extend the one made absolutely necessary the other. Universal suffrage was the antidote to the poison of disloyalty injected into the body politic. It was the arraying of loyal ignorance against disloyal intelligence. It has fought bravely, heroically, but the gradual loss of the Southern States to the Republican party shows it has struggled in vain. It has failed to receive the support of the nation that gave it, and has been borne down by superior intelligence

and courage. The germ of the good it contained may spring up and bear fruit in an age when justice shall hold its sword between the strong and the weak, but for the present its possession is little better than a mockery. The antidote has been absorbed by the poison it sought to destroy !

The Johnsonian period of reconstruction was one of extreme peril to the Republic, and not until some future historian shall reveal the secret workings of Johnson's ambition, and his efforts to seduce loyalty from the path of duty will the world know how near the nation came to its second betrayal, and what a debt of gratitude it owes to U. S. Grant for his firmness and patriotism in resisting Executive usurpation. There was the true ring to his letter to the President of August 1st, 1867, wherein he protested against the removal of certain officers who had proven distasteful to the rebels :

"I earnestly urge, in the name of a patriotic people who have sacrificed hundreds of thousands of loyal lives, and thousands of millions of treasure to preserve the integrity and union of this country, that this order be not insisted upon. * * * This is a Republic where the will of the people is the law of the land. I beg that their voice may be heard. * * * The order will be interpreted by the unreconstructed element in the South, those who did all they could to break up this Government by arms, and now wish to be the only element consulted as to the method of restoring order, as a triumph. It will embolden them to renewed opposition to the will of the loyal masses, believing that they have the Executive with them."

The same spirit is shown in his letters of 1868, and in his conduct during that trying period which culminated in the impeachment of the President. He could not be turned from the path of right. He resisted every attempt to use the army for the carrying out of Johnson's schemes. How pregnant with truth his words to the President of February 3d, 1868 :

"I can but regard this whole matter, from the beginning to the end, as an attempt to involve me in the resistance of law, for which you hesitated to assume the responsibility in orders, and thus to destroy my character before the country."

The election of President Grant to the Presidency in 1868, by an overwhelming

majority, was but a fitting tribute to his distinguished services to the country. His elevation to the high position closed the work of the soldier, and introduced the work of the statesman. We need no better proof of the appreciation of his first term by the people than the unqualified indorsement given him for the second term. The convention that gave him the nomination paid him the rare compliment of a unanimous vote on the first ballot, and throughout the Union his election was hailed with satisfaction and joy.

To pass correct judgment upon President Grant's administration it is necessary to consider the difficulties which have surrounded him. He came into power amid public dissensions on the Southern questions consequent upon the unfortunate policy of Andrew Johnson. The party that had elected him was not a unit on any of the important questions which had agitated the country from the beginning of Johnson's apostacy. The party had within it too many men anxious to be regarded as leaders with pet policies of their own to impress upon the new administration. Some favored a firm policy, with sufficient military force to maintain it until loyalty throughout the Southern States could protect itself; others, equally honest, favored a liberal, magnanimous course, dependent upon the honor and good faith of the ex-Confederates for its success. Some insisted upon radical measures as best calculated to produce good results; others opposed them, and urged a conservative policy as the only one that could restore a healthy condition of affairs throughout the South. These opposing views led to divisions, and whichever side the Executive favored he was sure to invite the hostility of the other. He was therefore compelled to rely upon his good judgment and be guided by his sense of right and justice as cases requiring his interference were presented. The responsibility which should have been borne by Congress was too often forced upon the Executive, and out of this assumption of power that could not, under his oath of office, be evaded, grew those dissensions which culminated, at the close of his first term, in the alienation of

some of the most respected leaders of the party. Such men as Sumner, Schurz, Trumbull, Greeley, and others, who had sustained his first election, arrayed themselves in deadly hostility to his second. Their personal prejudices had blinded them to justice, and they determined to destroy the party that had given them prominence, in order to defeat the man who had stood in the way of their ambition. But the people, quick to detect the right from the wrong, the gilt from the pure gold, turned their back upon the men who boasted of their influence to control the masses, and responded with enthusiasm to the support of Grant, whose course they approved, and in whose integrity and patriotism they had unbounded confidence. The result was his triumphant election, by a popular majority, greater than had been given to any President since the days of Washington.

The difficulties which were presented at the beginning of his second term were hardly less formidable than those which surrounded his first. Defeat had but increased the activity and vitalized the opposition of those Republicans who had gone over to Democracy. Their alliance was no longer secret, but open. Without any definite policy of government upon which they could agree, they were a unit on the general policy of opposing Grant and his administration. Thus obstacles were placed in his path, and the abuse which became organized during the campaign followed him throughout his second term, gaining strength whenever his positive character stood in the way of corrupt schemes and the bad men who favored them. But their assaults have been in vain. The character they endeavored to destroy was too far above their reach, and to-day it stands as high in the love and confidence of the American people as when it was enthroned in their affections at the close of the rebellion.

No grander tribute can be paid to the retiring President than to say that he seemed unconscious of the presence of his assailants, and never used his high trust to punish or oppose them. He has gone straight forward in the path of duty, neither turn-

ing to the right nor the left to indulge in personalities or to refute slander. Conscious of his own rectitude and of the purity of his motives, he has been content to be misunderstood by many who should have been his friends, leaving the vindication of his labors to the tribunal of public opinion, which seldom errs in its judgment, and to impartial history, which separates the true from the false, and renders justice where justice has been earned.

The administration of President Grant in its entirety has been a decided success. Our foreign relations have been satisfactory, and dangers which at times threatened to disturb the peace have been met and overcome by wisdom and diplomacy. American citizenship has been respected everywhere, except in our own land. Our differences with England were amicably settled by the payment to us of \$15,000,000 in gold. The vexed San Juan boundary question was decided in our favor. The close of the Franco-Prussian war found us on friendly terms with both nations. The Spanish war-cloud, which seemed ready to burst, was rendered harmless by a firm and equitable policy. Every department of our foreign affairs has been managed with good judgment, and has reflected credit upon the nation. Our financial policy has been no less successful. Our credit has been improved, and the value of our currency advanced, while the public debt has steadily decreased in the face of greatly reduced taxation. The burdens of the war have been growing lighter yearly, and will be eventually lifted from the shoulders of the nation, if future administrations follow the prevailing policy of the past eight years. The hard times and the consequent business depression throughout the country have tested our financial policy, and proved it equal to the severest strain. No better endorsement could be given than the fact that our national securities and our currency have remained unimpaired during a period of business embarrassment that has affected all other securities.

Although the civil service under Grant's administration has been assailed by his enemies, and the atmosphere of politics made impure by the pestilential charges of

corruption raised against it, time will prove it, what its friends have claimed it to be, equal to the best civil service in our history.

To claim that it has been faultless would be to claim human perfection. A few rascals have crept into office, but they have been driven out as soon as their true character was found out. They got in in spite of precaution to keep them out. They went out as soon as it was known that they were in. Dishonesty has been the rare exception under Grant's administration, while official integrity has been the rule. The records show this. A comparison of defalcations with those of former Administrations prove it. But the enemies of the service have magnified its few faults. A single failure out of tens of thousands of appointments has been held up as a fair specimen of the whole. A single charge a thousand times repeated has been made to appear a thousand cases of corrupt practice. The flaws in the marble have been exposed to inspection, while the solid and enduring shaft has been carefully concealed from sight. But in spite of the envy, jealousy, prejudice, and partisan hatred which have been actively engaged in the work of misrepresentation, Grant's civil service will ever commend itself to fair-minded citizens, irrespective of party considerations.

His devotion to the Indian peace policy will ever remain a leading feature of his administration. His belief that Indians were susceptible of civilization has not been changed, and the successful results of his policy have long since vindicated its wisdom. In the midst of public excitement urging the extermination of the Indians because of the cruel acts committed by hostile tribes, he has stood firm to the policy of justice and humanity, believing that the acts of the guilty should not bring vengeance upon the heads of the innocent. For his consistent course in his treatment of the Indians he deserves, and will receive, the thanks of the Christian world, and if those who succeed him follow out the policy he inaugurated the Indian question will soon cease to vex the land.

But we are too near the temple to do full justice to its proportions. When party

passion shall give place to reason, and time removes those prejudices which blind men to the truth, the Administration of President Grant will be regarded as one of the most praiseworthy of our history. Its merits will stand the test of time, and its virtues will command the admiration of mankind when its few faults shall have been buried in oblivion. The sense of gratitude is not yet dead among the American people, and Ulysses S. Grant, whether regarded as a soldier or a statesman, will be held in affectionate remembrance as long as patriotism prevails and public virtue upholds the cause of freedom.

A PEN PORTRAIT OF PRESIDENT HAYES.—A Columbus, Ohio, correspondent of the Philadelphia *Press* describes President Hayes as a very cheerful man, with a full sandy beard, slightly touched with silver streaks; a full face, ruddy and glowing with health; no crows' feet, no furrows, a well-shaped mouth, good teeth; two large, open, blue eyes of kindly expression; a smile on his lips; a high, broad, clear forehead; a voice, deep, strong and sonorous; large, shapely limbs; a full breast, quick but not nervous of movement; moderately quick but not rapid of speech; a good listener, calm, cool, dispassionate, anything but radical; never cross, short, or sharp; always affable, kind and candid, with no secrets to whisper, no plots to promote, no tricks to explain; open as the day, firm as a rock, pure as a woman, with no bad habits, whether of tobacco, whisky, or anything else; pure and plain of speech, popular among all classes, without affectation, mock dignity, or the least suspicion of demagogery; wearing the same face for all, speaking the same language to all, bearing himself with dignity and modest reserve; regular in his hours, happy in his family relations as man can be, strong in the affections of the people; such is General Hayes, the President-elect of the United States. No man was ever so fortunate. He has not a single personal enemy in Ohio, a fact true perhaps of no other prominent politician in Ohio. In all his long public career as Congressman, General in the army, Governor three times, there is nothing to explain, and no charge has ever been made against him of any kind whatsoever. It is doubtful if any man living is less open to criticism or reproach. Even the Democratic members of the Ohio General Assembly, at the end of this protracted campaign, speak well of him.

RUTHERFORD BIRCHARD HAYES.

THE NINETEENTH PRESIDENT OF THE UNITED STATES.

ANCESTRY.

"But by your father's worth if yours you rate,
Count me those only who were good and great!

* * * * *

'Tis phrase absurd to call a villain great!
Who wickedly is wise, or madly brave,
Is but the more a fool, the more a knave.
Who noble ends by noble means obtains,
Or, failing, smiles in exile or in chains—
Like good Aurelius let him reign, or bleed
Like Socrates—that Man is great indeed!"

—POPE.

Even Samuel J. Tilden's biographer, appreciating the reverence innate in man for a generous ancestry, traces his lineage to a noble stock—to the regicide reformers of Old England. What a caricature! Oliver Cromwell degraded in Ralph Nickleby! A caitiff falling from a hero! A satyr from a god!

But in Rutherford Birchard Hayes, the noble character of the parent stock, a warrior race, patriotic and intrepid, robust and vigorous, physically and intellectually, and extending back into a remote age, is illustrated in the abilities and virtues of the scion. In the early history of old Scotia, in the periods when the shores of Caledonia were ravaged by the old North pirates, the terrible vikings of Scandinavia, "The Hay of Luncarty," an heroic plowman, on a memorable occasion, discovering the approach of the invader, commanded his sons: "Pull your plow and harrow to pieces and fight." He and his sturdy boys fought. In a narrow pass near their humble hamlet they valiantly met and repelled the invader. The deed of "The Hay" will not die. Its intrepidity and patriotism made him famous—a leader—among a people renowned for courage. "The Hay" became a head of one of the most illustrious clans in Scotland. "The blood of Douglas" brooked no superior. Down through the mighty and troubrous days of Scotland and England, down through our colonial and revolutionary periods—in all their struggles—and subsequently throughout our history, heroic and patriotic men and women, of high and steadfast courage, of

enlightened religious and moral faith—the Russells, Lees, Smiths, Birchards, and Austins—soldiers, statesmen, authors, and divines—champions of "Liberty and the Word"—illustrate and honor the Hayes genealogy. "The Hay of Luncarty," the intrepid Scot plowman, in heroic virtue, finds a rival in the famous preacher of Weathersfield and Hadley, in the Rev. John Russell, one of our colonial divines, who for several years, in defiance of the Stuart, concealed and protected the famous Regicides at Hatley. In Rutherford B. Hayes, in the soldier, statesman, and patriot of to-day, this generous stock, in ability, courage, and steadfast loyalty to country and faith, has a manly scion.

HIS BIRTH AND PARENTAGE.

Rutherford B. Hayes was born October 4th, 1822, in the town of Delaware, Ohio. His father, Rutherford Hayes, was born in Vermont, and emigrated to Ohio in 1817. As a business man, the father was intelligent, enterprising, and active. As a citizen he was above reproach, and was distinguished among his neighbors alike for his independence and for his integrity and thrift. He was not wealthy. His death in July, 1822, left the family in comparatively straightened circumstances. But the widow, Mrs. Sophia Hayes, a woman noted for the great energy of her character—industrious, capable, and self-reliant—a sincere Christian—affectionate, and devoted, as only such women are, to her children, ably supplied the loss. The education of her children was her supreme care—the grand aim of her exemplary life: their culture not merely in scholarly lore, in which she was aided by her brother, Mr. Sardis Birchard, but in those higher and nobler attainments of Christian virtue and duty only learned under a pious mother's teaching and example.

HIS EARLY TRAINING—AT SCHOOL, COLLEGE AND IN LAW.

The whole life of Rutherford B. Hayes is the crown of her noble success. He was

early sent to school. With Mrs. Joan Murray young Hayes studied the rudiments of English. With Judge Sherman Finch he studied Greek and Latin, and these studies were extended at the Academy at Norwalk, Ohio, under the scholarly instruction of the Rev. Mr. Chapman. In 1837, at Isaac Webb's noted institution at Middletown, Conn.—a preparatory school for students entering Yale—young Hayes prepared himself for college. In 1838, at the age of sixteen, he entered Kenyon College after passing the usual examination; and in 1842 he graduated with the highest honors, delivering the valedictory of his class. At college, young Hayes' favorite studies were mental and moral philosophy, mathematics and logic, and the languages, particularly the German and French, which he mastered and translates with ease, speaking the French with considerable fluency. He early entertained an inclination for the law, under the influence of Mr. Ebenezer Lane, an eminent jurist of Ohio, and long a Justice of the Supreme Court of the State, and while attending the proceedings of the courts. He accordingly, upon leaving college, entered upon the study of law at Columbus in the office of Mr. Sparrow, a gentleman of distinguished merit in the legal profession. In 1843 he entered the law school of Harvard University, then under the charge of the celebrated jurists, Justice Story and Prof. Simon Greenleaf, and finished the course of lectures in 1845. While in Boston he attended the lectures of Prof. Longfellow on foreign literature, and those of the great Agassiz upon physical and natural science. In the courts of the "Hub," the arguments of Webster, profound and learned, and in Faneuil Hall, the magnificent speeches of "God-like Dan" upon the great political questions of the day, at once instructed and delighted the thoughtful young student. He also at this time made the acquaintance of the venerable patriot, ex-President John Quincy Adams, at his home in Quincy.

HIS TRAITS AND CHARACTER AT SCHOOL AND COLLEGE.

Great diligence and proficiency in his studies, and irreproachable morals, was the

portraiture of his character drawn by his several instructors. Everywhere he was the popular favorite: a popularity everywhere won by a manly bearing, a frank and generous spirit, and upright conduct. It was these that early secured for young Hayes, in Judge Finch, an interest so deep that caused the Judge to devote the hours between the labors of his profession to his instruction in Latin and Greek. It was these that challenged "the sincere respect and esteem" of Isaac Webb while awarding him the first prize for proficiency "in Latin, Greek, and arithmetic;" this "conduct" which did "honor to his mother." It was these which won for him the esteem and friendship of Story and Greenleaf—that at Kenyon, as at Cambridge, secured him the attachment and applause of his college mates, many of whom have since been distinguished for their brilliant talents, scholarly attainments, and eloquence—such men as Lorin Andrews, Guy M. Bryan, Stanley Matthews, Christopher Wolcott, Geo. Hoadly, Manning F. Force, R. E. Trowbridge, and J. B. L. Curry—all of whom, although some of them are of opposite politics, have borne manly testimony to the sterling character and talents of their cherished classmate. In the language of one, now an eminent jurist: Hayes, at college, "behaved like a considerate, mature man;" "great common sense" distinguished "his personal conduct;" "he never uttered a profane word!" In the language of another, now also an able lawyer: Hayes, at Kenyon, "was a noble, chivalrous fellow, of great promise;" "he was popular, magnanimous, manly;" "he left a glowing memory—a memory that was a fascination!"

HIS MARRIAGE.

In December, 1852, at Cincinnati, by Prof. L. D. McCabe, of the Ohio Wesleyan University, Mr. Hayes was united in marriage to Miss Lucy Webb, an estimable lady, of rare accomplishments and domestic virtues—a most fortunate union, which has greatly influenced his character and life. Her father, Dr. James Webb, was a popular practicing physician of Chillicothe. He was one of our early anti-slavery heroes.

In 1833 he died, in Lexington, Kentucky, where he had gone to superintend the arrangements preliminary to the departure to Liberia of certain slaves liberated by himself and father. Her grandfather, Lieut. Col. Cook, in 1777, in the army of the Revolution, was attached to the regiment of Col. Andrew Ward. Hence, in the Presidential Mansion for the next four years, both in the person of the General and that of his lady, we shall have worthy representatives of the old revolutionary blood.

AS A JURIST.

Of course we can give but a meager outline of his many triumphs as an advocate. Admitted to practice in the courts of Ohio in 1845, the young lawyer, proud of his profession, and burning with an ambition for distinction in its honored walks, hung out his "shingle" at Lower Sandusky, now Fremont, Sandusky county, Ohio. In 1846 he formed a law partnership with Gen. Ralph P. Buckland, subsequently a member of the State Senate, and a Union veteran in the war of the Rebellion; but, in 1848-'9 failing health forced him to seek recuperation under the climate of Texas with his friend Guy M. Bryan. Six months of active life on the prairies, boating, fishing, and hunting, restored his constitution to robust health, which since has never failed.

In 1850 he established himself in an office in Cincinnati, and in 1854 united in a law partnership in that city with R. M. Corwine and W. K. Rogers, under the firm name of Corwine, Hayes & Rogers. But his profession, laborious and severe as was his application to its duties, did not wholly engross his busy life. Literature also claimed him as a devotee. She divided his studies with the law. The pages of Shakespeare, Burke, Webster and Emerson were his favorites; and the influence of these, and that of his literary club, a renowned institution of Cincinnati, of which he was eleven years a member, and at the social gatherings of which he enjoyed the society of such men, distinguished alike for their professional abilities and literary culture, as Chief Justice Chase, Tom Corwin, the Ewings, father and son,

Gen. Pope, Gen. Edward F. Noyes, Stanley Matthews, Manning F. Force, R. D. Mussey, and others—the influence of these is illustrated in his speeches, inaugurations, and messages, all as compositions chaste in style, fluent in their diction, and forcible in logic and matter. Such an application and training begat its reward. Success was a natural consequence.

Hence, as in his maiden effort in the United States District Court at Cincinnati, in an important "action to prevent or enjoin the building of a railway bridge across the bay of Sandusky," with the elder Ewing as an opponent; so in the celebrated Nancy Farrar case, in which the insane culprit had poisoned all the members of two families, with an opponent like Geo. E. Pugh for the State, carrying the case to the Supreme Court before Justices Corwin, Thurman, and Ranney, and saving the life of the wretched lunatic after her conviction by the lower court; so in the James Summons murder case; so as city solicitor of Cincinnati—elected by a Democratic vote in the City Councils with Caleb B. Smith, subsequently Secretary of the Interior, as his chief competitor—and throughout his practice, he acquired and maintained the reputation of a jurist, learned, able, conscientious, and faithful. Repeatedly he was opposed by some of the ablest jurists of the State: his high character and abilities were acknowledged by all. As solicitor of the city, in his many important judgments, many of them involving heavy interests, and all marked by ability and a conscientious sense of duty, Mr. Hayes was not merely the legal adviser of the municipality: in many the comprehensive views of the statesman crop out in the opinions of the jurist. In a noted one in 1859, in discussing the power of the Councils to contract a debt for "waterworks purposes," he denies the power of the city to do so without further authority from the Legislature: he opposes on principle the creation of new debts, and the consequent entailment of new and heavy burdens upon the people by increased taxation.

AS A SOLDIER.

The Rebellion, in 1861, found Rutherford

B. Hayes among the foremost in the field of perilous duty. As major of the 23d Ohio volunteers, as judge advocate of the department, and as lieutenant colonel of the regiment, in the summer and fall of 1861, Hayes was active with the army of Rosecrans in the gallant work of clearing the mountainous regions of West Virginia of a formidable enemy. In the fall of 1862 he was at South Mountain. Leading the Union advance at the head of his regiment—one of the regiments of the famous "Old Kanawha" brigade—against superior forces, posted advantageously on the crest of the mountain, Lieutenant Colonel Hayes encountered a stubborn resistance. The rebels disputed every foot of ground, but Hayes, charging rapidly and gallantly, again and again, drove the rebels out of the woods, drove them across the fields, and up the mountain. Wounded and fainting from loss of blood, but recovering, he advanced his regiment, which had retired upon his fall; falling again while fighting at the head of his men, he was carried from the field; again he reappeared, with his wounds half dressed, at the head of his regiment, animating his comrades and directing the fight, until, falling again exhausted, he was again carried from the field. The remainder of the brigade arriving, the enemy, by a brilliant bayonet charge, was swept from the crest of the mountain into the woods beyond. It was a gallant fight on a beautiful Sabbath morning in September. It was skilfully fought: it was bravely won. Hayes' gallantry, fortitude, and conduct, his heroism, infecting his little band and sustaining them under tremendous losses—a loss of one-half of their number *hors du combat*—against heavy odds, until re-enforced, secured a handsome victory to the Union forces.

This heroism, the intrepidity, skill, endurance, and dash, displayed at South Mountain, never deserted him: it was conspicuous in his every fight. In 1863 he pursued and captured the sanguinary raider, John Morgan. At Clyde Mountain, in the spring of 1864, in command of a brigade against the enemy fortified upon its summit, charging, at the head of

his men, through the woods, over bogs and creeks, with hundreds falling around him, amid a storm of "iron hail," he swept over the works, and bayoneted their defenders under their barricades.

In July, at Winchester, in command of a brigade, he, with the gallant Mulligan, moved out to meet a supposed reconnoissance by the enemy, but the reconnoissance, developing into a movement in heavy force, Hayes and Mulligan were surrounded—closed in on both flanks. No retreat was proposed. He and Mulligan continued to advance, but an annihilating fire from artillery and infantry, in front and on both flanks, mowed down by scores the devoted band. Mulligan fell. Hayes, with great coolness and judgment, slowly retreated to a hill inaccessible to cavalry, and turning, hurled back the yelling pursuers. His horse had early been killed under him. Hence, from morn till midnight, on foot, always exposed in the position of danger, Hayes, by intrepid daring, endurance, and skill, rescued his little command from annihilation by overwhelming numbers. Again at Berryville, Va., his gallantry and skill illustrated his devotion to the national cause. At the Opequan, or Winchester, in September, 1864, one of Sheridan's master triumphs in the valley, where, defeated at noon and disaster apparently inevitable, at nightfall he was victorious: in the recovery of the day, in the charge of the reserves under Crook, Hayes' brigade again led the advance. Striking for the flanks of the victorious enemy, and charging with a yell amid a storm of death-dealing missiles, over morasses in which his men sank to the chin—over morasses flanked by high banks—up the banks, up the hills, through the woods, carrying the enemy's fortifications, flanking and defeating him, he entered Winchester at the head of his men in hot pursuit of Early. At Fisher's Hill, still in pursuit of Early, after Opequan, again turning the enemy's flank, by pushing his way up mountains, through woods, and down ravines, supposed to be impassable, he, with indomitable perseverance, courage, and admirable skill, carried the enemy's position with a yell, and com-

pleted the rout and dispersion of the panic-stricken foe.

At Cedar Creek, in October, the scene of Sheridan's memorable ride, and ever-glorious victory, again the "Old Kanawha," under Hayes, sustained the early brunt of the fight, exacting all the heroism of its intrepid commander. Overlapped and assaulted impetuously on both flanks and assailed in front, his line rapidly melted away : Hayes was left alone, exposed to a murderous fire. A heavy volley was aimed at him. It killed his horse, riddling it with a score of bullets. Plunging forward in its death throes, it violently threw its rider, dislocating his ankle, and bruising him from head to foot : he, nevertheless, regained his regiment. At the crisis of the battle, Sheridan's arrival, after his spirited ride, changed the whole face of affairs. "Boys, we must go back to camp," was his inspiring cry. Back they went right gallantly. Rapidly reorganizing his broken ranks, and reforming his line, with the "Old Kanawha" in the center, he charged Early impetuously in front and flank, forcing him back upon Cedar Creek, finally breaking his army in utter rout, and pursuing and capturing prisoners, artillery, arms, camps, and baggage. The victory was as complete as glorious. Early was squelched.

It was on this memorable field that Sheridan, clasping the hand of Hayes, exclaimed : "Colonel ! from this day forward you will be a brigadier general." Ten days later the commission arrived : a little later that of major general. Wounded four times, and a hundred days under fire, exposed to death in a series of brilliant actions, his promotions were but the well-earned meed of merit in the field.

AS A STATESMAN.

Rutherford B. Hayes at no period of his life was a Democrat. Originally a Whig, a disciple of the national school of Webster and Clay, his maiden vote for President was cast for the gallant Henry Clay. His next was for Harrison ; and his last, as a Whig, for Winfield Scott. The Whig party having collapsed under the slavery issue, Gen. Hayes enlisted under the banner of Republicanism, and earnestly labor-

ed, by voice and vote, first for the election of Frémont, and next for that of Abraham Lincoln. In 1864, while in the field, without his knowledge, without his connivance, against his wish, he was nominated for Congress by the Republican convention of the 2d Congressional District of Ohio. In 1866 he was renominated by acclamation. In 1867 he was nominated for Governor, and in 1869 renominated by acclamation and re-elected. In 1872 he declined an election to the United States Senate, refused a federal appointment, and had retired, as he hoped, to private life, but in 1875 was recalled to active politics by an appeal of the Republicans of Ohio, of the country, in their travail, for the prestige of his name : a third time he was elected Governor of Ohio.

Few men, now living, have a record so grand. His every victory, in politics as in the field, was a triumph of the nation. In all, the spirit of the patriot, the inflexible champion of his country and freedom—equal rights for all—ruled and triumphed, and his countrymen were the beneficiaries. In none did private ambition, a thought of self, a mere wish for honors or place, predominate. In all duty was supreme : duty to freedom, to humanity, to country ! In 1864, upon his first nomination to Congress while in the field, he endeavored to evade the honor : his duty was in the field—at the front. Springing spontaneously from his friends, from those he esteemed and loved, and recognizing and appreciating it as a testimonial to his worth, his patriotism and gallant services in the field, he no doubt felt greatly honored. He finally accepted the nomination. A seat in Congress, associated with men distinguished for learning, abilities, and eloquence—the lawmakers of the land—is a high and honorable one. It is one ambitiously sought by even the greatest. Under other circumstances, the proffered honor would have greatly pleased the General. As it was it manifestly annoyed him. Having accepted it, however, he, as a high-spirited man, naturally wished to succeed ; but, under no circumstances, whether necessary to success or not, would he abandon one duty, or evade one peril, at the front. In a

letter to a friend in Ohio, dated "Sheridan's Camp, August 24th, 1864," he says :

"Your suggestion about getting a furlough to take the stump was certainly made without reflection. *An officer fit for duty, who, at this crisis, would abandon his post to electioneer for a seat in Congress ought to be scalped. You may feel perfectly sure I shall do no such thing.*"

His wish for success was strong, but his sense of duty to his country in the field in the supreme hour of her peril was stronger. Against it he would tolerate no private wish—no selfish ambition. His patriotism was crowned with success. His soldiers, already idolizing him, and glorying at this new manifestation of his self-sacrificing spirit, cried out at the Opequan, at the brunt of the fight : "One more charge, Colonel—Victory and Congress!" He was elected, triumphantly elected, in despite of the lying caricatures and ribald lampoons of the Democracy, by a majority of 2,450 votes, over their strongest man. After the fall of Richmond, after the surrender at the Appomattox, and all armed resistance to the national authority had ceased, Gen. Hayes, in December, 1865, took his seat in the House.

In Congress, before the people, and as Governor, by his votes, speeches, and influence, he maintained the good faith, the honor, and the interests of the nation. His comrades of the "Old Kanawha" never wanted an advocate: his time was ever at their disposal in Congress and before the departments at Washington. As chairman of the Committee on the Library, he was the great enemy of all shoddy or sham in art, but zealously, and with a judgment based upon an enlightened and a liberal culture, encouraged all works of real merit. He was the author's friend. He was chiefly instrumental in adding two wings to the library section of the Capitol, in adding to the volumes of the Congressional Library those of the celebrated "Force Historical Collection," the Smithsonian Library, copies of all books, pamphlets, maps, &c., copyrighted in the United States, and in extending the privileges of the Library to a larger class of public officers.

Both in Congress and as Governor he

earnestly encouraged all measures and means tending to humanize the masses—to elevate or improve their condition, or add to their happiness or comfort. He was thus the zealous champion of our public school system. Headvocated the establishment of parks, fountains, galleries of art, libraries, colleges, hospitals, and churches: whatever benefits or elevates mankind; and gave a notable example of his sincerity by inducing his uncle, Mr. Sardis Birchard, in his will, to bequeath \$75,000 to the citizens of Fremont for a public park and free library! He was his uncle's sole heir: the bequest was consequently at his own expense.

He advocated and encouraged all measures for the development of the industrial resources, or productive industry, of Ohio and the nation—of agriculture, manufactures, and commerce, and of internal improvements by the State and nation. He is the friend of cheap transportation—the zealous champion of civil service, and the enemy of debts and high taxes.

He sustained the great principles underlying "Reconstruction"—freedom, equality, human rights! He demanded irrevocable guarantees of these by amendments to the organic law, basing representation, not upon population, but voters; and secured, in conjunction with Orth, of Indiana, and Cullom, of Illinois, the ratification of the new amendments by Tennessee, which was necessary to render them valid.

Upon all the great questions touching the public debt, or the finances, of the Republic, he was patriotic, inflexible, and sound. He believes that "honesty is the best policy." As the debt of the Revolution was "the price of liberty"—the cost of independence—so the debt of the Rebellion was the price of nationality—of national existence. It was consequently "sacred and inviolable." It ought to be paid, principal and interest: it could only be repudiated or sealed in national dishonor. He denounced all attempts at inflation as expedients only of demagogues or traitors. Inflation was dishonor: inflation was ruin. Its adoption would defeat the pretended purpose for which it

was advocated—a relief of “hard times.” Instead of relieving trade, instead of permanently stimulating traffic or business, or of facilitating their revival upon a permanent or solid basis—instead of relieving the masses by giving them permanent or remunerative employment, or rendering the burdens of taxation more tolerable—its adoption, by depreciating the intrinsic value of the dollar by unsettling all values while nominally advancing them to an artificial standard, would inevitably result in cheapening labor, robbing the laborer, and involve all in one common financial ruin and in national disgrace.

THE PRESIDENTIAL CONFLICT — HAYES' VICTORY A TRIUMPH OF THE NATION.

As in the great campaign of 1875 in Ohio, so in the Presidential conflict of 1876, all these important questions of public policy were involved, as was that of States rights—the grand question, underlying the existence of the Republic, whether, under the Constitution, our Union is a nation, sovereign or supreme within the limits of its powers, with inherent forces capable of maintaining and vindicating its authority and unity, or a confederacy—a simple league of States—liable to disruption at will by any malcontent State. States rights is coeval with the Constitution. It was the invention of those who in 1788 resisted the adoption of our bond of union—our organic law, and developed its mischievous character in the Cabinet of Washington, in the conflict between Jefferson and Hamilton, the founders respectively of our States rights and national schools of politics. Under the teachings of Jefferson's school, under those of John Taylor, of Caroline, William B. Giles, and John C. Calhoun, and their later satellites, Rhett, Mason, and Jeff. Davis, the early doctrine of States rights was extended through all the forms of nullification into the open doctrine of secession. Only the States were sovereign. They were the judges of their own rights and powers, and of those of the United States. The Union was simply a confederacy, a league of States; the National Government a simple agency created by the States to represent their will, to be dissolved or destroyed whenever, in the judg-

ment of the States, it failed to serve the purposes for which it was created. Originally it was the doctrine of simple malcontents, disappointed theorists, having no reference to slavery; in later years it became the formidable engine of pro-slavery traitors. Again and again it convulsed the nation in perilous contention. Overthrown in argument, in the battle of brains, by Webster and Clay in their conflicts with Hayne and Calhoun, knocked *hors du combat* by Jackson in his suppression of nullification, it assumed all its malignant proportions under Rhett and Jeff Davis, and its traitorous uses culminated in the devilry of the rebellion. Baffled by the sword, after immense sacrifices, in its attempted destruction of the nation, it, in the campaigns of 1875-'76, was galvanized by the Democracy into new existence.

Those were perilous periods for the nation. Its traitorous foe rejoiced in anticipated success: in imagination they had already throttled the nation. An election tidal wave had swept the Republicans from Congress: the House was Confederate. A financial crisis was upon the nation. “Hard times” cruelly afflicted all ranks and classes; trade languished; productive industry was checked: the farmer had no market for his crops; the merchant had but few customers; and the workingman no demand for his labor; thousands were idle, and destitution and want, all the evils of a general financial revulsion attendant upon reckless over-speculation, stalked over the land. It was the malcontent's hour of reprisal. The patriot's misery was the traitor's jubilee; the travail of the people the demagogue's harvest. Eagerly they seized the opportunities. Tilden, Hendricks, Allen, Thurman, and Pendleton, re-enforced by lieutenants and allies in all the States, both in 1875 and 1876, took the field with the grandest hopes. They openly exulted in anticipated victory. They exhausted all the expedients, all the slogans and shams of demagogical craft. They raised the cry of “corruption,” stimulated and openly aided the reckless and slanderous abuse of the highest officers of the Government. They shouted “reform,” “hard times,” “more money,” “let us have a

change of rulers," "the people want a change," organized systematic murder, violence, and fraud throughout the States, and, through the House, assessed the national purse for a campaign fund for the collection and circulation of the slanderous perjuries of mercenary informers in the shape of Congressional reports against the highest and purest in the land. All the probabilities were against the nation. In both campaigns the Republicans, at first, were dispirited. The fruits of the victory for which, as the representatives of the nation, they had contended in the rebellion, at such unparalleled sacrifices, were in peril. The most patriotic doubted. Brave men, strong men wavered. All eyes turned to Rutherford B. Hayes. The crises demanded the prestige of his name, a tower of strength. These were calls like that which in 1861 had carried him into the field. That of 1875 he received while at home, unsuspectingly playing base-ball with his children, and rejoicing that he had escaped from the active toils of politics—that he was relegated to the cultivation of his land and the delights of his domestic hearth. It was the call of duty—duty to country, to his party, and the great national principles, upon the success of which depended the salvation of both. His hesitation was brief. He entered the field at once, and under his lead the confidence and enthusiasm of his party soon revived. He boldly raised the national banner. The United States was a nation, not a league—a nation with powers inherent in its organism capable of maintaining its legitimate sovereignty, of enforcing its constitutional authority, and of coercing and punishing all who resisted either or menaced its life; hard money, the earliest possible resumption of specie payments, was the great need of business and the people; the absolute good faith of the Republic demanded the honorable liquidation of all its obligations in the payment of the national debt, principal and interest; the inviolability of our public school system; the development of the wealth and resources of the country; the encouragement of manufactures and commerce by all proper legislation for their protection and support; freedom, justice, and the equality

of all men of all races and colors before the law—all these he ably maintained as the duty of government or the wants of the nation for the revival of prosperity. There was no dodging of issues—no resort to miserable subterfuges or makeshifts; but a manly, square and unflinching battle against the shams and cries and frauds of demagogical craft. It commanded the attention of the great financial centers of Europe. Patriotic men, eloquent and able, rallied to his support. Sherman, Garfield, Taft, Noyes, Foster, Lawrence, and Danforth, a brilliant array of State strength, aided by Morton, Woodford, Schurz, Grosvenor, Oglesby, Windom, Dawes, and Boutwell from abroad, met and routed the Democratic hosts. As at the Opequan, as at Cedar Creek, when all seemed disaster and ruin, the charge of the intrepid leader of the "Old Kanawha" restored the fight and "snatched victory from the jaws of defeat." In 1875 the stars of Allen and Thurman set forever: in 1876 that of Tilden! The nation had again triumphed in the victory of Hayes.

THE CUBAN SLAVERY QUESTION.—The Havana *Voz de Cuba*, February 24th, referring to President Grant's message, and his statement that Cuba is the only country in which slavery now exists, says while slavery on a large scale exists in Brazil, the Spanish law of gradual abolition will result in ending slavery in Cuba earlier than in Brazil. If foreign government insist that slavery be abolished in Brazil, while it exists in Cuba, then let the Spanish law be exchanged for the Brazilian one, thus doing away with fault-finding and the pretexts of other nations compelling them to blame Brazil, when blaming Cuba. Whether under Spanish or Brazilian law we shall have a pass through a transformation of the greatest importance. Nobody ignores this, yet nobody takes the provisory steps. We cannot understand this indifference on the solution of which the future of the Island largely depends. There is no other country where individual efforts are so strong, and where collective efforts are unknown. *** Nothing exists outside of war of equal importance to the future of the Island as this labor question.

COUNTING OF THE ELECTORAL VOTE.

PROCEEDINGS OF THE GRAND COMMISSION.

PASSAGE OF ELECTORAL BILL IN SENATE.

The bill of the joint committee of the Senate and House on the counting of the electoral votes, after a lengthy, able, and eloquent debate in the Senate, was passed by that body January 25th by the following vote :

YEAS.—Alcorn, Allison, Barnum, Bayard, Bogy, Booth, Boutwell, Burnside, Chaffee, Christiancy, Cockrell, Conkling, Cooper, Cragin, Davis, Dawes, Dennis, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Howe, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kieran, McCreery, McDonald, McMillan, Maxey, Merrimon, Morrill, Price, Randolph, Ransom, Robertson, Saulsbury, Sharon, Stevenson, Teller, Thurman, Wallace, Whyte, Windom, Withers, Wright—Total, 47.

NAYS.—Blaine, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Dorsey, Eaton, Hamilton, Hamlin, Ingalls, Mitchell, Morton, Patterson, Sargent, Sherman, West—Total, 17.

HOUSE REPORTS AND BILL ON ELECTORAL VOTE.

In the House, on January 18th, J. Proctor Knott forced the House, by a vote of yeas 141 to nays 81, to a consideration of the resolutions reported by the House Committee on the Powers, Privileges, and Duties of the House in the count of the electoral vote. They are as follows :

Resolved, First, That the Constitution of the United States does not confer upon the President of the Senate the power to examine and ascertain the votes to be counted as the electoral votes for President and Vice President of the United States.

Second, That the only power which the Constitution of the United States confers upon the President of the Senate in respect to the electoral votes for President and Vice President of the United States is to receive the sealed lists transmitted to him by the several electoral colleges, to keep the same safely, and to open all the certificates or those purporting to be such in the presence of the Senate and the House of Representatives.

Third, That the Constitution of the United States does confer upon the Senate and the House of Representatives the power

to examine and ascertain the votes to be counted as the electoral votes.

Fourth, That in the execution of their power in respect to the counting of the electoral vote the House of Representatives is at least equal with the Senate.

Fifth, That in the counting of the electoral votes, no vote can be counted against the judgment and determination of the House of Representatives.

Sixth, That the committee have leave to sit again and report hereafter further matter for the consideration of the House.

The passage of these resolutions Mr. Knott urged in a speech of some power and much acrimony.

Mr. Burchard, of Illinois, on the part of the Republican minority of the committee, made a report concluding with the following resolutions :

Resolved, First, That it is in the power and duty of the House, conjointly with the Senate, to provide by law or other constitutional method a mode for fairly and truly ascertaining and properly counting the electoral vote of each State, so as to give effect to the choice of each State in the election of President and Vice President.

Resolved, Second, That in the absence of legislative provision on the subject, or authoritative direction from the Senate and House of Representatives, the President of the Senate, upon opening the certificates, declares and counts the electoral votes for President and Vice President of the United States.

Mr. Burchard advocated their adoption in an able speech, in which he denied the right of either house to review the proceedings of a State in the appointment of electors.

PASSAGE OF ELECTORAL BILL IN HOUSE.

On the same day (January 18th) the electoral bill adopted by the joint committee of the two houses was reported to the House, and its passage was supported by Mr. Payne, of Ohio, the chairman of the committee on the part of the House. The debate was continued from day to day up to the 26th. Messrs. Seelye, Tucker, Hoar, Hill, Hewitt, Hunton, Goode, Lamar, Singleton, Springer, and Walker, among

others, advocated its passage. Messrs. Garfield, Hale, Frye, Monroe, and Townsend, among others, opposed its passage as unconstitutional and unwise. On January 26th the bill passed the House by the following vote:

YEAS.—Messrs. Randall (Speaker), Abbott, Adams, Ainsworth, Anderson, Ashe, Atkins, Bayley, George A. Bagley, John H. Bagley, Banning, Beebe, Belle, Bland, Bliss, Blount, Boone, Bradley, Bright, Brown of Kentucky, Buckner, Burchard of Wisconsin, Burleigh, Cabell, Caldwell of Tennessee, Campbell, Candler, Caufield, Chapin, Chittenden, Clark of Kentucky, Clark of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Crapo, Culberson, Cutler, Duvall, Davis, Davy, Debolt, Dibrell, Douglass, Durand, Eden, Ellis, Faulkner, Felton, Field, Finlay, Foster, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Hamilton of Indiana, Hamilton of New Jersey, Hancock, Hardenbergh, Harris of Massachusetts, Harris of Georgia, Harris of Virginia, Harrison, Hartman, Hartridge, Hartzell, Hatcher, Hathorn, Haymond, Hendee, Hereford, Hewitt of New York, Hewitt of Alabama, Hill, Hoar, Holman, Hooker, Hopkins, Hoskins, House, Humphreys, Hunter, Hunton, Jenks, Jones of New Hampshire, Kehr, Kelly, Lamar, Landers of Indiana, Landers of Connecticut, Lane, Leavenworth, Lemoyne, Levy, Lewis, Luttrell, Lynde, Mackey, Marsh, McDougall, McCrary, McDill, McFarland, McMahon, Meade, Metcalf, Miller, Morey, Morgan, Morrison, Mitchell, Neal, New, Norton, O'Brien, Oliver, Payne, Phelps Phillips of Missouri, Pierce, Piper, Platt, Potter, Powell, Rea, Reagan, John Reilly, J. B. Reilly, Rice, Riddle, Robbins of North Carolina, Robbins of Pennsylvania, Roberts, Ross of New Jersey, Sampson, Savage, Sayler, Scales, Schleicher, Seelye, Sheadley, Southard, Sparks, Springer, Stanton, Strait, Stedger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Townsend of Pennsylvania, Tucker, Turner, Vance of North Carolina, Waddell, Walker of New York, Walker of Virginia, Walling, Walsh, Ward, Warner, Warren, Watterson, Wells of Missouri, Wells of Mississippi, Whitehouse, Whitthorne, Wyke, Willard, A. S. Williams of Michigan, Williams of Delaware, W. B. Williams of Michigan, Wilshire, Wilson of West Virginia, Wilson of Iowa, Wood of New York, Yeates, and Young—Total, 191.

Nays.—Messrs. Baker of Indiana, Baker of New York, Ballou, Banks, Blackburn, Blair, Bradford, Brown of Kansas, Burchard of Illinois, Butt, Caldwell of Ala-

bama, Cannon, Carr, Caswell, Cate, Conner, Crounse, Danford, Denison, Dobbins, Dunnell, Durham, Evans, Eames, Flye, Forney, Fort, Freeman, Frye, Garfield, Hale, Haralson, Hendee, Henderson, Hoge, Hubbell, Hurd, Hurlbut, Hyman, Jones of Kentucky, Joyce, Kasson, Kimball, Knott, Lapham, Lawrence, Lynch, Magoon, Milliken, Mills, Monroe, Nash, O'Niell, Packer, Page, Plaisted, Poppleton, Pratt, Purman, Ramey, Robinson, Rush, Singleton, Sinson, Slemmons, Smalls, Smith of Pennsylvania, Smith of Georgia, Stowell, Thornburgh, Townsend of New York, Tufts, Van Vorhes, Vance of Ohio, Wait, Waldrum, Wallace of South Carolina, Wallace of Pennsylvania, White, Whitney, Williams of New York, Williams of Wisconsin, Williams of Alabama, Wood of Pennsylvania, Woodburn, Woodworth—Total, 86.

APPROVED BY PRESIDENT.

On the same day the bill was promptly enrolled, signed by the Speaker, and dispatched to the President, who on the 29th approved it and communicated the following message to the two houses, assigning his reasons for the approval :

To the Senate of the United States:

I follow the example heretofore occasionally permitted of communicating in this mode my approval of the act to provide for and regulate the counting of votes for President and Vice President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877, because of my appreciation of the imminent peril to the institutions of the country from which, in my judgment, the act affords a wise and constitutional means of escape.

For the first time in the history of our country, under the Constitution as it now is, a dispute exists with regard to the result of the election of the Chief Magistrate of the nation.

It is understood that upon the disposition of disputes touching the electoral votes cast at the late election by one or more of the States depends the question whether one or the other of the candidates for the Presidency is to be the lawful Chief Magistrate. The importance of having clearly ascertained by a procedure regulated by law which of the two citizens has been elected and of having the right of this high office recognized and cheerfully agreed in by all the people of the Republic cannot be overestimated, and leads me to express to Congress and to the nation my great satisfaction at the adoption of a measure that affords an orderly means of decision of a gravely exciting question.

While the history of our country in its earlier periods shows that the President of the Senate has counted the votes and declared their standing, our whole history shows that in no instance of doubt or dispute has he exercised the power of deciding, and that the two houses of Congress have disposed of all such doubts and disputes, although in no instance hitherto have they been such that their decision could essentially have affected the result.

For the first time the Government of the United States is now brought to meet the question as one vital to the result, and this under conditions not the best calculated to produce an agreement or to induce calm feeling in the several branches of the Government or among the people of the country. In a case where as now the result is involved, it is the highest duty of the law-making power to provide in advance a constitutional, orderly, and just method of executing the Constitution in this most interesting and critical of its provisions. The doing so, far from being a compromise of right, is an enforcement of right and execution of powers conferred by the Constitution on Congress.

I think that this orderly method has been secured by the bill, which, appealing to the Constitution and the law as the guide in ascertaining rights, provides a means of deciding questions of single returns through the direct action of Congress, and in respect to double returns, by a tribunal of inquiry, whose decisions stand unless both houses of Congress shall concur in determining otherwise; thus securing a definite disposition of all questions of dispute in whatever aspect they may arise. With or without this law, as all of the States have voted, and as a tie vote is impossible, it must be that one of the two candidates has been elected; and it would be deplorable to witness an irregular controversy as to which of the two should receive or which should continue to hold the office. In all periods of history controversies have arisen as to the succession or choice of the chiefs of States; and no party or citizens loving their country and its free institutions can sacrifice too much of mere feeling in preserving through the upright course of law their country from the smallest danger to its peace on such an occasion, and it cannot be impressed too firmly in the heart of all the people that true liberty and real progress can exist only through a cheerful adherence to constitutional law.

The bill purports to provide only for the settlement of questions arising from the recent elections. The fact that such questions can arise demonstrates the necessity, which I cannot doubt will before long

be supplied, of permanent general legislation to meet cases which have not been contemplated in the Constitution or laws of the country.

The bill may not be perfect, and its provisions may not be such as would be best applicable to all future occasions, but it is calculated to meet the present condition of the question and of the country.

The country is agitated. It needs and it desires peace, quiet and harmony between all parties and all sections; its industries are arrested, labor unemployed, capital idle, and enterprise paralyzed by reason of the doubt and anxiety attending the uncertainty of a double claim to the Chief Magistracy of the nation. It wants to be assured that the result of the election will be accepted without resistance from the supporters of the disappointed candidate, and that its highest officer shall not hold his place with a questioned title of right. Believing that the bill will secure these ends, I give it my signature.

U. S. GRANT.
EXECUTIVE MANSION, Jan. 29, 1877.

SELECTION OF THE FIFTH JUDGE.

On the 31st the following communication from the Supreme Judges, addressed to the President of the Senate and Speaker of the House, was received and read in both houses:

Pursuant to the provisions of the second section of the act of Congress entitled "An act to provide for and regulate the counting of votes for President and Vice President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877," approved January 29, 1877, the undersigned, associate justices of the Supreme Court of the United States assigned to the first, third, eighth, and ninth circuits, respectively, have this day selected Hon. Joseph P. Bradley, the associate justice assigned to the fifth circuit, to be a member of the commission constituted by said act.

Respectfully submitted.

NATHAN CLIFFORD,
SAM. J. MILLER,
STEPHEN J. FIELDS,
W. STRONG,

*Associate Justices of the Supreme Court of
the United States assigned respectively to
the First, Third, Eighth, and Ninth Circuits.*

WASHINGTON, Jan. 30, 1877.

ORGANIZATION OF ELECTORAL COMMISSION.

At noon of the same day, (the 31st) the "Tripartite Commission" assembled in the

Supreme Court room and organized. All the members were present. The special oath required by the electoral act was administered by Mr. Middleton, Clerk of the Court, to Justice Clifford, who, under the act, is the presiding officer of the commission. Justice Clifford then administered the same oath to the other fourteen members. It then completed its organization. Its members and officers are :

MEMBERS OF THE COMMISSION.

Hon. Nathan Clifford, Associate Justice Supreme Court, First Circuit.

Hon. William Strong, Associate Justice Supreme Court, Third Circuit.

Hon. Samuel F. Miller, Associate Justice Supreme Court, Eighth Circuit.

Hon. Stephen J. Field, Associate Justice Supreme Court, Ninth Circuit.

Hon. Joseph P. Bradley, Associate Justice Supreme Court, Fifth Circuit.

Hon. George F. Edmunds, United States Senator.

Hon. Oliver P. Morton, United States Senator.

Hon. Frederick T. Frelinghuysen, United States Senator.

Hon. Allen G. Thurman, United States Senator.

Hon. Thomas F. Bayard, United States Senator.

Hon. Henry B. Payne, United States Representative.

Hon. Eppa Hunton, United States Representative.

Hon. Josiah G. Abbott, United States Representative.

Hon. James A. Garfield, United States Representative.

Hon. George F. Hoar, United States Representative.

OFFICERS OF THE COMMISSION.

Hon. Nathan Clifford, Presiding Justice.
James H. McKenney, Secretary.

B. E. Catlin, } Assistant Secretaries.
G. A. Howard, }

William H. Reardon, Marshal.

A. S. Seely, } Deputy Marshals.

J. C. Taliaferro, }

D. F. Murphy, Stenographer.

COUNSEL FOR THE OBJECTORS TO CERTIFICATE NO. 1.

Hon. Charles O'Conor, of New York.

Hon. Jeremiah S. Black, of Pennsylvania.

Ashbel Green, Esq., of New Jersey.

William C. Whitney, Esq., of New York.

COUNSEL FOR THE OBJECTORS TO CERTIFICATES NOS. 2 AND 3.

Hon. William M. Evarts, of New York.

Hon. E. W. Stoughton, of New York.

Hon. Stanley Matthews, of Ohio.

Hon. Samuel Shellabarger, of Ohio.

RULES TO GOVERN COMMISSION.

The following are the rules adopted by the commission for the government of its proceedings, under the electoral act :

RULE I. The commission shall appoint a Secretary, two assistant Secretaries, a Marshal and two Deputy Marshals, a Stenographer, and such messengers as shall be useful; to hold during the pleasure of the commission.

RULE II. On any subject submitted to the commission, a hearing shall be had; and counsel shall be allowed to conduct the case on each side.

RULE III. Counsel, not exceeding two in number on each side, will be heard by the commission on the merits of any case presented to it, not longer than two hours being allowed to each side, unless a longer time and additional counsel shall be specially authorized by the commission. In the hearing of interlocutory questions, but one counsel shall be heard on each side, and he not longer than fifteen minutes, unless the commission allow further time and additional counsel; and printed arguments will be received.

RULE IV. The objectors to any certificate or vote may select two of their number to support their objections in oral argument and to advocate the validity of any certificate or vote the validity of which they maintain; and in like manner the objectors to any other certificate may select two of their number for a like purpose; but, under this rule, not more than four persons shall speak, and neither side shall occupy more than two hours.

RULE V. Applications for process to compel the attendance of witnesses or the production of written or documentary testimony may be made by counsel on either side. And all process shall be served and executed by the marshal of the commission or his deputies. Depositions hereafter taken for use before the commission shall be sufficiently authenticated if taken before any commissioner of the circuit courts of the United States, or any clerk or deputy clerk of any court of the United States.

RULE VI. Admission to the public sittings of the commission shall be regulated in such manner as the President of the commission shall direct.

RULE VII. The commission will sit, unless otherwise ordered, in the room of the Supreme Court of the United States, and

with open doors, (excepting when in consultation,) unless otherwise directed.

NOTICE TO THE TWO HOUSES OF ITS ORGANIZATION.

On Thursday (February 1st) the following communication, addressed to the Senate and House, was received in the two houses and read :

WASHINGTON, February 1, 1877.

SIR: I have the honor to inform the House of Representatives that the commission constituted under the act of Congress approved January 29th, 1877, entitled "An act to provide for and regulate the counting of votes for President and Vice President, and the decision of questions arising thereon, for the term commencing March 4th, A. D. 1877, has met, and the members thereof having taken and subscribed the oath prescribed by law, organized, and is now ready to proceed to the performance of its duties."

Very respectfully,

NATHAN CLIFFORD,
President of Commission.

PROCEEDINGS IN HOUSE.

The proceedings of the commission was ordered to be printed in the *Record*.

On the same day, Mr. Payne, in the House, submitted the following resolution, which was read, considered, and adopted :

Resolved, That the Clerk inform the Senate that the House is now ready to receive that body for the purpose of proceeding to open and count the votes of electors of the several States for President and Vice President.

Messrs. Ingalls and Allison were appointed tellers on the part of the Senate, and Messrs. Cook and Stone on that of the House.

PROCEEDINGS IN SENATE.

At two minutes to one o'clock, the President *pro tempore* of the Senate, (Mr. Ferry,) announced that one o'clock, under the provisions of the electoral act, was the hour at which the Senate was required to appear in the hall of the House, for the purpose, in conjunction with that body, of opening and counting the votes of the electors for President and Vice President. Whereupon, on motion of Mr. Edmunds, the Senate proceeded to the hall of the House, the Members and officers of the House rising to receive them.

ASSEMBLING AND ORDER OF JOINT MEETING OF THE TWO HOUSES.

In accordance with the law seats had been provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; for the Senators, in the body of the hall upon the right of the presiding officer; for the Representatives, in the body of the hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two houses, in front of the Clerk's desk and upon each side of the Speaker's platform.

The President *pro tempore* of the Senate took his seat as presiding officer of the joint convention of the two houses, the Speaker of the House occupying a chair upon his left.

He called the joint meeting to order, and said :

"In obedience to the Constitution, the Senate and House of Representatives have met to be present at the opening of the certificates, the counting, and the declaring of the results of the electoral votes for the President and Vice President of the United States for the term of four years commencing on the 4th day of March next. In compliance with law, the President of the Senate will now proceed, in the presence of the two houses, to open all the certificates of the several States, in alphabetical order, beginning with the State of Alabama."

COUNTING OF THE VOTE.

He opened and handed to the tellers the certificate of the State of Alabama, with the duplicates received by mail, which were read, giving ten votes for Samuel J. Tilden, of New York, for President, and ten votes for Thomas A. Hendricks, of Indiana, for Vice President. No objection being made to the votes, they were counted.

In this manner the certificates of the States of Arkansas, California, Colorado, Connecticut, and Delaware were opened and read, and there being no objection the several votes were counted.

FLORIDA.

The President *pro tempore* then handed to the tellers three different sets of certificates from the State of Florida, which were read; the first giving four votes for Rutherford B. Hayes, of Ohio, for President, and

four votes to William A. Wheeler, of New York, for Vice President; the second giving four votes for Samuel J. Tilden, of New York, for President, and four votes for Thomas A. Hendricks, of Indiana, for Vice President; and the third, reciting the action of the present Democratic executive authorities of Florida, under a recent law (approved January 17th, 1877,) of the present Democratic Legislature, and the mandamus of the State court in revising and recounting the votes by which the electors for the State were appointed, and certifying that the Tilden electors were appointed.

OBJECTIONS TO COUNT OF VOTE FOR HAYES.

The counting of the four votes of the State for Hayes and Wheeler was objected to by Charles W. Jones, Henry Cooper, and J. E. McDonald, Senators, and David Dudley Field, J. R. Tucker, G. A. Jenks, and William Springer, members of the House: 1st. Because Charles H. Pearce, Fred. C. Humphreys, William H. Holden, and Thomas W. Long, who cast the four votes for Hayes and Wheeler, were not the legally appointed electors of the State chosen on the 7th of November last; and 2d and 3d. Because Wilkinson Call, James E. Yonge, Robert B. Hilton, and Robert Bullock were such legally appointed electors and their title was irrevocable; 4th. Because Gov. Stearns' certificate setting forth the appointment of the Republican or Hayes electors was untrue, and was corruptly procured and made in pursuance of a conspiracy between Gov. Stearns and the Hayes electors; 5th. Because the papers certifying the Hayes votes "are fictitious and unreal, and do not truly represent any votes or lawful acts." 6th. Because, if the "pretended certificates" of Governor Stearns, and the "pretended lists of votes" of the Hayes electors "ever had any validity," they "have been annulled and declared void by the subsequent lawful certificate of the present [Democratic] executive" of Florida, made under the act of January 17th, 1877, and the mandamus of the State court, &c.

OBJECTIONS TO COUNT OF VOTE FOR TILDEN.

The counting of the four votes of Florida

for Tilden and Hendricks was objected to by S. B. Conover, A. A. Sargent, John Sherman, and H. M. Teller, Senators; and Wm. Woodburn, Mark H. Dunnell, John A. Kasson, and Geo. McCrary, members of the House: 1st. Because the certificates, or papers purporting to be certificates of the votes cast by Yonge, Call, Hilton, and Bullock, "are not authenticated according to the requirements of the Constitution and laws of the United States." 2d. Because such certificates, or papers, or "list of the names of said electors," are not authenticated by "the certificate of the executive authority of the State of Florida," or "accompanied by any valid or lawful certification or authentication." 3d. Because, "by a certificate" "in all respects regular, valid, and sufficient under the Constitution and laws of the United States, and duly authenticated as such," "it appears that Humphreys, Pearce, Holden, and Long," "were duly appointed electors," (and not Yonge, Call, Hilton, and Bullock,) on November 7th, 1876, to cast the electoral vote of the State for President and Vice President.

OBJECTIONS TO COUNTING HUMPHREYS' VOTES.

The counting of the votes of F. C. Humphreys, one of the Hayes electors, was also objected to by Senator Jones and Mr. C. G. Thompson, a member of the House, upon the ground that being "a shipping commissioner" under the National Government, at the date of his appointment, he was ineligible under the Constitution.

The certificates or papers, with the objections, were referred to the commission, and the two houses separated (at 3 o'clock and 5 minutes P. M.)

SUBSEQUENT SHARP PRACTICE IN HOUSE.

The House then attempted a characteristic piece of sharp practice. On the evening previous the report of the Democratic majority of the Florida Investigating Committee had been read in the House. It ends with a resolve, that "at the election, on November 7th, 1876, in Florida," the Tilden electors "were fairly and duly chosen," and "having on the first Wednesday of December, A. D. 1876, cast their votes for Samuel J. Tilden for President and Thomas

A. Hendricks for Vice President, they are the legal votes for the State of Florida, and must be counted as such." But the report of the Republican minority of the committee, whose conclusions are just the opposite, was not read: the minority were not prepared to report. Hence, as a means of getting the resolution of the majority before the electoral commission, while excluding that of the minority, the House, immediately upon the return of the Senate to its own chamber, voted down a motion to take a recess, and Mr. Hoskins, of New Jersey, attempted to force the previous question on the adoption of the resolution. It failed. The Republicans, indignant, fought it determinedly, and compelled them to abandon the attempt.

PROCEEDINGS OF THE ELECTORAL COMMISSION—OBJECTIONS RECEIVED.

On Thursday, (February 1st,) at 3 o'clock P. M., the commission met. The following communication was received and read:

HALL OF HOUSE OF REPRESENTATIVES,
February 1, 1877.

To the President of the Commission :

More than one return or paper purporting to be a return or certificate of electoral votes of the State of Florida, having been received and this day opened in the presence of the two houses of Congress and objections thereto having been made, the said returns, with all accompanying papers, and also the objections thereto, are herewith submitted to the judgment and decision of the commission, as provided by law.

*T. W. FERRY,
President of the Senate.*

The nature or character of the several objections of the respective parties were stated, and the papers ordered to be printed. As the disposition and arrangements of counsel under the rules had not been completed, further public business was postponed until the following morning, and the commission held a private session for consultation.

OPENING OF THE CASE.

At the meeting of the commission on Friday, (February 2d,) at 10 o'clock A. M., the case was fully opened. The presiding justice (Mr. Clifford) said :

"The case before the commission is that of Florida. Inquiries were made yesterday

'what is the case?' to which I beg leave to respond that it consists of three certificates with the accompanying papers, and the objections to the same. Two of the objectors on each side will be allowed to speak in the opening of the case. Those representing the objections to certificate No. 1 will speak first, and I would remind them that the fourth rule allows them two hours in which they will state the case in the opening arguments in support of their objections, and also in support of any other certificate which they claim to be valid. When they have concluded, two objectors on the other side will speak under the same rules and limitations."

For convenience the cases were numbered 1, 2, and 3.

After some preliminary conversation among counsel and the members of the commission, the case was opened for the Democracy by Messrs. Field and Tucker against the counting of the votes of the Hayes electors, followed by Messrs. Kasson and McCrary for the Republicans in support of that count.

THE ARGUMENTS FOR THE DEMOCRACY.

Messrs. Field and Tucker, in their arguments, going behind the certificates of the Governor of Florida, assail the returns upon which the Hayes electors were appointed by alleging fraud in the county and State canvasses, and conspiracy to fraud between the State authorities and parties at Washington, which they support by the *ex parte* statements of Democratic afflants. They cite "only one county"—Baker county—but urge that it was "decisive of the result," and indulge much in "bunkum" appeals to the commission. They detail the acts of the Supreme Court and Legislature of Florida in authorizing a new canvass of the votes of the State cast in November last, and claim that the new count which gives the electoral vote to Tilden is the only fair and legal one. They deny that the certificate of the Governor excludes all proofs of fraud—that it is conclusive evidence of the legal or rightful appointment of electors—that the canvassing board of Florida was invested with any judicial power or discretion in the count, and maintain at length the power and duty of the commission to go behind the certificate in an inquiry for fraud.

ARGUMENTS FOR THE REPUBLICANS.

Messrs. Kasson and McCrary, in their arguments, repel the allegations of fraud in Baker county. They show the Democratic frauds in Jackson, Alachua, and other counties through the illegal voting of railroad trains of Democratic non-residents, ballot-box stuffing, and the like ; they sustain the justice and perfect fairness of the returning board by showing that the exclusion of certain votes from the count was in obedience to the mandate of the Florida law, (in force at the date of the canvass,) which commands the canvassers to exclude all returns "irregular, false, or fraudulent;" they expose the unlawful proceedings of the Supreme Court and Legislature of Florida in their extraordinary efforts to secure the State for Tilden—their usurpation of powers prohibited by the Constitution, absorbing, confounding, and practically destroying the three great divisions of Government, the executive, legislative, and judicial ; the granting by the court of a *quo warranto* upon a board *functus officio*, and its decision, from which an appeal had been taken at the date of the writ ; the enactment by the Legislature of an *ex post facto* law, which directs a recount of the votes by a new Democratic board created for the purpose, and the attempts by *ex post facto* proceedings to render null and void a duty and acts lawful at the date of their performance—all bearing "*prima facie* presumption of fraud." They show that the Tilden certificates are "wanting in all the elements of constitutional or legal validity," and are supported only by usurpation, the grossest violations of popular rights, intimidation, violence and fraud. The proposition to go behind the returns in any inquiry for fraud, even if the commission possessed the power to adopt it, they show to be impracticable ; it could not with justice and fairness be completed by the 4th of March ; but they deny and resist such a claim of power in the commission. It involved a usurpation without a precedent. It proposed to transform the commission into a returning board for the re-canvass of the popular vote of the State. Where was the power for that ? Where, under the Constitution, or under

the law creating the commission ? All the power the commission had in the matter was that devolved by the Constitution upon Congress or upon the President of the Senate, whichever it might be designed by that instrument to "count" the votes. In no view had either any such power. The only duty of either is ministerial, to "count" the votes of the electors, not to scrutinize or re-canvass the popular vote by which they were appointed. Nor can Congress confer upon the commission powers which it does not itself possess. Hence, the only duty of the commission is to ascertain whether the papers before it as certificates are genuine or counterfeit—whether they are duly and truly verified by State authority, as required by the Constitution—whether the electoral college has complied with the law—a simple "ministerial examination;" and when that duty has been completed its functions are exhausted.

WILL THE COMMISSION GO BEHIND THE CERTIFICATES.

At the meeting on Saturday, (February 3d.) at 10.30 o'clock A. M., Mr. O'Conor, under the suggestions of the presiding justice, stated the propositions of his side, when, on motion of Justice Miller, the commission decided that counsel be allowed three hours on each side to discuss the question whether any evidence will be considered by the commission that was not submitted to the two houses by the President of the Senate ; and if so, what evidence can properly be considered ; and also the question what is the evidence now before the commission.

ARRANGEMENT FOR ARGUMENT.

It was arranged that each side should occupy one-half of its time in a full opening at that meeting, the remainder on Monday, and that three counsel on either side should be heard.

Messrs. Merrick and Black opened for the Democracy, followed by Messrs. Stanley Matthews and Stoughton for the Republicans.

At the meeting on Monday, (February 5th,) at 11 o'clock A. M., Mr. Evarts continued and closed the argument for the Republicans, followed by Mr. Charles O'Conor, who closed the argument for Til-

den. The commission took a recess for three-quarters of an hour; when it re-assembled, it proceeded to deliberate with closed doors, and at 3.15 o'clock P. M. adjourned.

ARGUMENTS FOR THE DEMOCRACY.

Messrs. Merrick, Black, and O'Conor in their arguments maintained that the powers of the commission were those which under the Constitution devolved upon Congress in the counting of the electoral vote. Had Congress the power to go behind the Governor's certificate? The two houses, since the election in November last, had, through their committees, gone behind that certificate—had inquired into the alleged frauds at the election, and into all matters touching the appointment of electors. Congress having such power, and that body having delegated its powers to the commission, its power to go behind the certificates of the State authorities, and require evidence of their authenticity or legality, was clear. It was the duty of the commission to do so. Hence, the testimony taken by the congressional committees having been referred to the commission by the two houses, with the objections and the several certificates in the case, all these were now before it, were properly in the cause, and entitled to all the weight of similar evidence before a court of equity. Of themselves the certificates of the State authorities were conclusive evidence of nothing, not even under the law of 1792. Congress had no authority or power to make the issue of the certificate mandatory upon the Governor—he might issue it or not, as he pleased; nor had it the power to declare that, if issued, it should be conclusive; he might issue a fraudulent certificate, or a certificate based upon fraud, to the injury of the rightful electors, nor to declare that its absence should invalidate the rightful vote. Hence the necessity, and the duty, of the commission to go behind the certificates to determine their character.

The constitutional clause in reference to the Presidential electors made it the duty of Congress to count the *votes*. Before it can count them Congress must first ascertain which are the votes—"the true votes." How is it to ascertain them? How but by an

inquiry into the facts? If it possesses any power of inquiry into the character of the votes, its character must be full and ample, and it cannot, by any law, curtail its power to go fully into the inquiry by making the certificate of the Governor conclusive. It must scrutinize the facts antecedent to the issue of the certificate. Hence, the duty, as the power, of the commission to go behind the Governor's certificate; to receive as valid evidence the testimony taken by the congressional committees, the *quo warranto* decree of the State court, and the canvass by the Democratic returning board under a law of the Democratic Legislature, all of which they maintain were lawful and just. Besides, that evidence having been once reported and filed, must be accepted as before the court.

ARGUMENTS FOR THE REPUBLICANS.

Messrs. Matthews, Stoughton and Everts, in their arguments, ably rebut the propositions of Democratic counsel, and declare that the Republicans do not claim that the Governor's certificate is conclusive. They ask, What is the character of the commission? what are its powers under the law, and what is the subject it was investigating? What, then, was the nature of the evidence it was competent to entertain? Was it a court, entertaining a "judicial investigation upon *quo warranto?*" Where did it derive its authority? Was it a revising canvassing board to determine whether the Governor's certificate is valid, or a "tribunal of special and limited jurisdiction," in determining certain questions relating to the count of the electoral vote, under the Constitution, for President and Vice President of the United States? What, then, is the only evidence it can entertain?

Now, the election of President and Vice President is in no sense a popular election. Nor is the appointment of electors necessarily a popular function. Under the Constitution, under the organic law, their appointment and the method of their appointment are wholly left to the States, and they, by law, may invest their appointment in the people, in the Legislature, in the Governor, or in the sheriff. As a matter of fact, with the exception of Colorado, all the States had invested their appointment

in the people. The Constitution had reserved to Congress "control in certain particulars" over their appointment; that is, it designates the day upon which the appointment shall be made, and the day on which the electors so appointed shall cast their ballots for President and Vice President; but when the day of appointment has passed, and the electors on the designated day have cast their votes, these acts are irrevocable either by Congress or the States. There is no power anywhere to revise or reverse them. Nor are the electors bound to vote for any particular candidates. The electoral colleges, under the Constitution, are independent in all their functions, and, though appointed by the votes of one party, have a perfect legal right to vote for the candidates of another party. Hence, the only duty of the commission, under the inquiry referred to it by Congress, is to determine which of the "two sets of votes," claiming to be the electoral votes of Florida, are "the votes lawfully to be counted"—"to separate the lawful from the unlawful" votes—to determine which of the certificates offered is "the one known to the law or made in conformity with the law." Can it in such an inquiry, in the performance of such a duty, go into an investigation of fraud in the popular vote prior to the appointment of electors? Even if it had such a power, was such an investigation possible? An impartial investigation would only vindicate the justness of the appointment of the Hayes electors. Of that there was little doubt.

Such an investigation, if entered into at all, to be just, must be thorough and complete, and would extend necessarily over a greater space of time than that allotted to the commission; but such an investigation was foreign to the purpose for which it was created, and transcended the limits of its jurisdiction. All the testimony permitted them by the Constitution and the laws was that furnished by the acts of the State. Under all the forms of law, State and national, the appointment of the Hayes electors was complete; in their appointment all the requirements of the Constitution and the laws had been literally and legally fulfilled. That was unassailable. The

reverse was the fact in reference to the Tilden so-called electors. Their pretended appointment fulfilled none of the requirements of the laws. Its fraudulent character was pronounced by the laws of the United States and of Florida. Even the *quo warranto* of the Tilden so-called electors admits the Hayes electors to have been the *de facto* electors on the 6th of December—in the exercise of their functions on the day fixed by law for the vote by the electors for President. As *de facto* electors in possession, they cast their ballots as prescribed by law. But even admitting fraud, it was a mistake to suppose that "fraud vitiates everything," and the learned counsel instanced many things which it did not vitiate. Hence, the votes of the Hayes electors—the *de facto* electors on the day designated by law—whether rightfully or fraudulently appointed—were final and irrevocable.

No power exists which can legally disturb them. The *quo warranto* did not reach or affect them. The appointment of electors is a political, not a judicial act. A *mandamus* may issue compelling an elective officer to act—to perform the functions of his office, but a *mandamus* to impede, retard, or impeach an election was "an absolute novelty" in law. Nor was there in the Legislature of Florida an authority or power, by a retrospective or *ex post facto* law, to review, invalidate or reverse an act legal and final under the laws of the State at the date of its performance. Hence, the only testimony permitted to the commission in the inquiry referred to it, was that furnished by the acts of the State under the Constitution and electoral laws.

DECISION OF THE COMMISSION.

On Tuesday the commission sat with closed doors. At its meeting on Wednesday, (February 7th,) by a vote of 8 yeas to 7 nays, upon the motion of Justice Miller, it ordered that no evidence will be received or considered by the commission which was not submitted to the joint meeting of the two houses by the President of the Senate, except such as relates to the eligibility of F. C. Humphreys, one of the electors.

YEAS.—Messrs. Bradley, Edmunds, Frelinghuysen, Garfield, Hoar, Miller, Morton and Strong.

NAYS.—Messrs. Abbott, Bayard, Clifford, Field, Hunton, Payne, and Thurman.

On the motion of Mr. Abbott it was ordered, by a vote of 8 to 7, that in the case of Florida, the commission will receive evidence relating to the eligibility of Humphreys, as follows:

YEAS.—Messrs. Abbott, Bayard, Bradley, Clifford, Field, Hunton, Payne, and Thurman.

NAYS.—Messrs. Edmunds, Frelinghuysen, Garfield, Hoar, Miller, Morton, and Strong.

QUO WARRANTO AND HUMPHREYS, THE INELIGIBLE ELECTOR.

At the meeting of the commission, (February 8th, at 11 o'clock A. M.) it heard the evidence and arguments respecting the ineligibility of F. C. Humphreys as one of the Republican electors for the State of Florida. An attempt was made by the Democratic counsel to get in evidence as to "the precise time" of serving the *quo warranto* on the Hayes electors; but the evidence was objected to by Mr. Evarts as inadmissible under the previous ruling of the commission. Objection sustained.

Mr. James E. Yonge swore that in August, 1876, Humphreys was acting as shipping commissioner for the port of Pensacola, Florida. It was an appointment under the U. S. Circuit Court for the northern district of Florida. His commission was introduced. His appointment in 1872 was admitted, but the Republican counsel declined to cross-examine the witness, as no evidence had been adduced showing that Humphreys held the commission on November 7th, 1876—the date of his appointment as elector.

Mr. F. C. Humphreys was sworn and stated substantially: I was a candidate on the Republican ticket in November last for elector. I had held the office of shipping commissioner, but on the 24th of September, 1876, I sent in my resignation of the office to Judge Woods, of the Circuit Court. (Copy of resignation was shown.) It was accepted by the Judge October 2d, 1876, (copy of acceptance shown;) and received from Hiram Potter, Jr., collector of cus-

toms, a notification that he had been assigned by Judge Woods to the duties of shipping commissioner, vacated by the Judge's acceptance of my resignation. (Copy of notification shown.) He also stated that he had not exercised or performed any of the duties of the office since October 5th, 1876, the date of his receiving the Judge's acceptance of his resignation; but that since that date those duties had been performed by Collector Potter.

It also appeared in evidence that Judge Woods was absent at the time in Newark, Ohio, where he received and accepted Humphreys' resignation.

ARGUMENT OF DEMOCRACY.

The presiding justice announced that the whole case was open for argument.

Messrs. Hoadly, Green, and Merrick, in their arguments for the Democracy, maintain "that this office of shipping commissioner, being one to be filled by the court, could only be surrendered up or resigned to the court itself;" that Judge Woods, of the Circuit Court, "acting in chambers," could not, in Ohio, release Humphreys from a trust with which the court, not in chambers, had clothed him in Florida; that Humphreys could not divest himself of the office by his own act—that public policy requires that it should not be at his will and pleasure; that his "paper resignation" and Judge Wood's acceptance of that resignation were not sufficient to divest him of that office—that only the court in session which appointed him could release him from its duties; that on the 7th day of November, 1876, the court had not received or accepted that resignation; that consequently, on that day, Humphreys, in view of the law, still held the office of shipping commissioner, an office of profit and trust under the Federal Government, and was ineligible as an elector for the State. The learned counsel elaborate this position at length, and fortify it with numerous references. They urge that the effect of the disqualification extends to both the State and the elector—that it disqualifies the State from appointing, and the elector from accepting the trust—that it is equivalent to declaring that "the State may appoint from

among the number of qualified persons;" and cite from the debate in the convention which framed the Constitution, and congressional debates and reports, to show that the purpose of the constitutional clause was to protect the States in the choice of electors from the influence of Federal power. They refer to a "multitude of cases in England" which declare that the choice of an ineligible candidate voids the election, and urge that "the same doctrine is applied in many American cases." But "American cases have differed widely." They cite a number, and assert that "no American case treats the election of one who at the time was non-qualified, and who attempted to act, as other than an absolutely null appointment." In Indiana the next highest candidate was elected. In Pennsylvania, New York, and California, the election went back to the people. In the Rhode Island case the Legislature elected. They argued that, if the four Florida electors had been disqualified, it "would be clearly a case of failure to make choice," and the people would have again to elect, if, as in Rhode Island, the Democratic Legislature did not elect. They also review the evidence before the commission in the papers handed by the President of the Senate to the two houses. They endeavor to break the force of the Hayes certificates signed by Gov. Stearns, dated 6th of December, 1876, and attested by the Secretary of State under the broad seal of Florida. They argue at length, citing authorities, that the judgment of the State court in *quo warranto* proceedings, determining the law and the facts—that the certificate of the Adjutant General of the State to the appointment of the Tilden electors, that the two sets of certificates of the Tilden electors, (dated respectively December 6th, 1876, and January 26th, 1877,) the certificate of Gov. Drew, reciting the facts of a canvass of the popular vote, and attesting the choice of the Tilden electors under the acts of the Democratic Legislature of January 17th and 26th, 1877—that these several acts and papers, although most of them were executed subsequent to the casting of the electoral vote of the State in December last, yet were all

legal and in time, and unite in proof that the acts of the returning board in certifying the appointment of the Hayes electors were "unauthorized, illegal, and void."

ARGUMENTS FOR THE REPUBLICANS.

Messrs. Shellabarger and Evarts, in their arguments, maintain that the record of the proceedings in the *quo warranto* case is not before the commission. It is only alluded to by Gov. Drew, not embraced in his certificates, and there is no evidence in record before the commission that any judgment in *quo warranto* was ever pronounced. Under the ruling of the commission it had all been excluded; so had certificates Nos. 2 and 3—all these *post election* matters, the *quo warranto, mandamus*, January legislation, and the canvass—all "these posthumous certificates of *post mortem action*"—all acts post-dating the electoral vote; because, under the Constitution, from the very nature of the power involved—that of appointment—and the necessities of the case, all acts of the State in accomplishing the appointment must antedate the performance of the act for which the elector is appointed. That being sound, all the arguments of counsel on the Democratic side about the effect of decisions of the courts in determining the signification of their own statutes, all the decisions which have been referred to in regard to the obligations of all Federal tribunals to follow the interpretation which the State courts put upon their statutes, loses all significance. When the electoral vote of a State has once been cast by men endowed with every muniment of title to the office of elector at the date of their first and last official act—the day of voting under the law—the jurisdiction of the State over the vote has passed away. No power exists in a State to destroy its electoral vote, when once cast—to unseat a President—neither by pretended interpretations of its laws by partisan courts, nor by the enactment by partisan legislatures of laws acting backward. The proposition that it can, simply reduces the Constitution and the whole debate "to the most intense and unmitigated absurdity." The design of the Constitution, its express require-

ment, is that every act of the State respecting electors, being all appointment, and appointment only, shall precede the vote. It is not sufficient to start proceedings prior to the vote, but they must be complete and effectual before the act of voting. The power of the State over the electoral votes stops at the moment it puts them under seal, deposits them in "the urn of the nation." If an elector on the voting day is endowed with all the insignia of right, with all the apparent title of office, that can, according to the existing State machinery be held on that day, he is to every possible extent, as against the State, the elector both *de facto* and *de jure*. By his vote he accomplishes in fact and law an act of government; but whether he is an officer *de jure* or *de facto*, still, being on that day so endowed, *so in office*, so acting in the actual occupancy of office with all apparent right, his act constituted an act of government—the act of the State was thereby accomplished in law—it was government, not mere *election*, but government—government inaugurated, accomplished, endowed. It is the last act of the State in exercising its part of the creation of a President; when accomplished, it is irrevocable. If any party after that can try the title it is the nation, not the State. That springs from the very nature of our dual governments, our two sovereignties of States and United States. The boundary of State power is at the point where the vote is sealed and goes to the Capitol. The vote is an accomplished act—the power of the State over it has passed away.

The learned counsel illustrate and enforce these positions in a multitude of forms fortified by numerous authorities, and urge the "monstrous" absurdity of the opposite position. All acts or proceedings, all the machinery for testing or determining the validity of the vote, must precede the casting of the votes. *No post hæc* judgment can affect them. If it were not so, what would be the result? Every election would be at the mercy of partisan intrigues—of suits at *nisi prius*—in partisan courts. Every individual disappointed or unhappy about the result, who is "enterprising," would be able to attack and de-

stroy the greatest office in the world, and precipitate the nation in revolution and utterable disaster. They cite the celebrated case of Robbins, in 1834, in the United States Senate, in which Henry Clay, John C. Calhoun, Daniel Webster, John M. Clayton, Tom Ewing, Willie P. Mangum, Wm. C. Preston, and others, all illustrious as jurists and statesmen, held the same position. Robbins had been elected Senator by the Legislature of Rhode Island. At a subsequent meeting the Legislature attempted to annul Robbins' election by the election of Potter. But these able jurists in the Senate held to the principle that the election of Senator was an act of the State in its sovereign capacity, and when completed could not be reversed; it was irrevocable. So with the electoral colleges. Their appointment was an act of the States in their sovereign capacity. When once completed and the elector has voted, his acts are final and irreversible. Any other principle would destroy all law, would put it in the power of the States to overthrow the Constitution, to destroy it in this its very citadel, and to end the life of the State. As to the eligibility of Humphreys, they had by proofs *aliunde* established his eligibility—that he had resigned his office of shipping commissioner under the Federal Government long prior to his appointment as elector—that his resignation had been accepted by Judge Woods, of the court appointing him—that he had not since exercised the functions of the office, but that they had been performed by another. They explained in the amplest manner the law of the United States respecting resignations, showing his absolute right to resign at will, and establish his eligibility; but maintain that, whether eligible or not, he having been appointed the elector in law *de facto* and *de jure*, on the day of voting, and having voted, his vote must be counted.

At the meeting on Friday, (February 9th.) at 10 o'clock A. M., it was decided that under the law the body was a commission, not a court; that its members were commissioners, not justices, and that, the proper title of the presiding officer was president, not presiding justice. The doors

were closed, and after debate the commission took a recess for half an hour. At 2.07 o'clock P. M. the commission reassembled. It was ordered that general debate close at 6 P. M., and that, after that hour, each commissioner shall be allowed to speak but once, and not longer than five minutes.

Mr. Thurman offered a resolution declaring that "F. C. Humphreys was not a shipping commissioner on the 7th day of November, 1876," but after some debate withdrew the resolution.

Mr. Edmunds moved, as the decision of the commission, a form addressed to the President of the Senate, setting forth the facts and the finding of the commission to the effect that the Hayes electors had been lawfully elected, that consequently neither of the papers purporting to be certificates of the electoral votes of Florida numbered 2 and 3, that is, the Tilden certificates, is the certificates or votes provided for by the Constitution, and that they ought not to be counted.

Mr. Hunton moved to amend by substituting that the Tilden electors are the persons duly appointed electors on the 7th day of November, 1876, and that their vote ought to be counted.

Mr. Hunton's amendment was negatived by a vote of 8 to 7, and Mr. Edmunds then withdrew his resolution.

Mr. Garfield offered the following:

Resolved, That four persons, to wit, Frederick C. Humphreys, Charles H. Pearce, William A. Holden, and Thomas W. Long were duly appointed electors of President and Vice President for the State of Florida, and that the votes cast by the aforesaid four persons are the votes provided for by the Constitution of the United States.

Resolved. That Mr. Edmunds, Mr. Bradley, and Mr. Miller be appointed a committee to draft a report of the action of the commission, as required by law.

The following is the vote by which the first resolution was adopted:

YEAS.—Messrs. Bradley, Edmunds, Frelinghuysen, Garfield, Hoar, Miller, Morton, and Strong—Total, 8.

NAYS.—Messrs. Abbott, Bayard, Clifford, Field, Hunton, Payne, and Thurman—Total, 7.

The second resolution was then passed,

and the commission took a recess for one hour.

At 7.05 o'clock P. M. the commission reassembled.

Upon the motion of Mr. Edmunds, from the committee appointed to prepare a report of the commission in the matter of the electoral vote of the State of Florida, the following was ordered and signed as "the final decision and report" of the commission:

ELECTORAL COMMISSION.

Washington, D. C., Feb. 9, A. D. 1877.
To the President of the Senate of the United States, presiding in the meeting of the two houses of Congress, under the act of Congress entitled "An act to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877," approved January 29, A. D. 1877 :

The Electoral Commission mentioned in said act, having received certain certificates and papers purporting to be certificates and papers accompanying the same, of the electoral votes from the State of Florida, and the objections thereto submitted to it under said act, now report that it has duly considered the same, pursuant to said act, and has decided, and does hereby decide, that the votes of Frederick C. Humphreys, Charles H. Pearce, William H. Holden, and Thomas W. Long named in the certificate of M. L. Stearns, Governor of said State, which votes are certified by said persons as appears by the certificate submitted to the commission, as aforesaid, and marked "number one" by said commission, and herewith returned, are the votes provided for by the Constitution of the United States, and that the same are lawfully to be counted as therein certified, namely: four votes for Rutherford B. Hayes, of the State of Ohio, for President, and four votes for William A. Wheeler, of the State of New York, for Vice President. The commission also has decided, and hereby decides and reports, that the four persons first before named were duly appointed electors in and by said State of Florida.

The ground of this decision, stated briefly, as required by said act, is as follows:

That it is not competent under the Constitution and the law, as it existed at the date of the passage of said act, to go into evidence *aliunde* on the papers opened by the President of the Senate in the presence of the two houses to prove that other per-

sons than those regularly certified to by the Governor of the State of Florida, in and according to the determination and declaration of their appointment by the board of State canvassers of said State prior to the time required for the performance of their duties, had been appointed electors, or by counter-proof to show that they had not, and that all proceedings of the courts or acts of the Legislature, or of the executive of Florida, subsequent to the casting of the votes of the electors on the prescribed day, are inadmissible for any such purpose.

As to the objection made to the eligibility of Mr. Humphreys, the commission is of opinion that, without reference to the question of the effect of the vote of an ineligible elector, the evidence does not show that he held the office of shipping commissioner on the day when the electors were appointed.

The commission has also decided, and does hereby decide and report, that, as a consequence of the foregoing, and upon the grounds before stated, neither of the papers purporting to be certificates of the electoral votes of said State of Florida numbered two and three by the commission, and herewith returned, are the certificates of the votes provided for by the Constitution of the United States, and that they ought not to be counted as such.

Done at Washington, the day and year first above written.

SAM. F. MILLER,
W. STRONG,
JOSEPH P. BRADLEY,
GEO. F. EDMUNDS,
O. P. MORTON,
FRED'K C. FRELINGHUYSEN,
JAMES A. GARFIELD,
GEORGE F. HOAR,
Commissioners.

Letters, addressed to the President of the Senate and Speaker Randall, notifying them of the action of the commission, were also adopted and signed by the President.

In the Senate on Saturday, (February 10th,) the following was received and read :

WASHINGTON, D. C., Feb. 9, 1877.

SIR : I am directed by the Electoral Commission to inform the Senate that it has considered and decided upon the matters submitted to it under the act of Congress concerning the same, touching the electoral votes from the State of Florida, and herewith by direction of said commission I transmit to you the said decision in writing, signed by the members agreeing therein, to be read at the meeting of the two houses according to said act. All the certi-

ficates and papers sent to the commission by the President of the Senate are herewith returned.

NATHAN CLIFFORD,
President of the Commission.
Hon. THOS. W. FERRY,
President of the Senate.

In the House on the same day the following was received and read :

WASHINGTON, D. C., Feb. 9, 1877.

SIR : I am directed by the Electoral Commission to inform the House of Representatives that it has considered and decided upon the matters submitted to it under the act of Congress concerning the same, touching the electoral votes from the State of Florida, and has transmitted said decision to the President of the Senate, to be read at the meeting of the two houses according to said act.

NATHAN CLIFFORD,
President of the Commission.
Hon. SAMUEL J. RANDALL,
Speaker of the House of Reps.

The following was adopted by the House, and received and read in the Senate :

Resolved, That the Clerk of the House notify the Senate that the House of Representatives will be prepared to meet the Senate in the hall of the House at 1 o'clock P. M. this day, to proceed with the further count of the electoral vote for President and Vice President.

In the Senate, at 12.57 o'clock P. M., the President *pro tempore* said :

"The House of Representatives has given notice to the Senate that it is ready to receive it at 1 o'clock to continue the counting of the electoral vote. It is now 3 minutes to 1. If it be the pleasure of the Senate it will now repair to the hall of the House of Representatives."

The Senate accordingly proceeded to the hall of the House.

The Senate entered the hall, took the seats provided for its members, and the President *pro tempore*, after announcing that "the joint meeting of Congress for counting the electoral vote resumes its session," said :

"The two houses, having separated pending the submission to the commission of objections to the certificates from the State of Florida, have reassembled to hear and to coincide or otherwise with the decision of that tribunal, which, by a majority of the commission, in writing, and signed by the members agreeing therein, will now be

read by the Secretary of the Senate and be entered in the Journal of each house."

The report and decision of the electoral commission was read, when the President *pro tempore* asked: "Are there objections to this decision?"

Objections, which were signed by the following gentlemen: Charles W. Jones of Florida, Henry Cooper of Tennessee, Francis Kernan of New York, Eli Saulsbury of Delaware, J. E. McDonald of Indiana, W. H. Barnum of Connecticut, on the part of the Senate; J. Proctor Knott, David Dudley Field of New York, W. S. Holman of Indiana, J. R. Tucker, Charles P. Thompson, G. A. Jenks of Pennsylvania, J. J. Finley, Milton Sayler, E. Jno. Ellis, W. R. Morrison, Abram S. Hewitt, and William M. Springer, on the part of the House, were submitted by Mr. Field and read:

An objection is interposed by the undersigned Senators and Representatives to the decision made by the commission constituted by the act entitled "An act to provide for and regulate the counting of the vote for President and Vice President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877," as to the true and lawful electoral vote of Florida, upon the following grounds:

First. For that the decision determines that the vote cast by Charles H. Pearce, Frederick C. Humphreys, William H. Holden, and Thomas W. Long, as electors of President and Vice President of the United States in and for or on behalf of the State of Florida, is the true and lawful electoral vote of said State, when, in truth and in fact, the vote cast by Wilkinson Call, James E. Yonge, Robert B. Hilton, and Robert Bullock is the true and lawful vote of said State.

Second. For that said commission refused to receive competent and material evidence tending to prove that Charles H. Pearce, Frederick C. Humphreys, William H. Holden, and Thomas W. Long were not appointed electors in the manner prescribed by the Legislature of the State of Florida, but were designated as electors by the returning board of said State corruptly and fraudulently, in disregard of law and with the intent to defeat the will of the people expressed in the choice of Wilkinson Call, James E. Yonge, Robert B. Hilton, and Robert Bullock, who were legally and regularly appointed electors by the State of

Florida, in the manner directed by the Legislature thereof.

Third. For that the decision aforesaid was founded upon the resolution and order of said commission previously made, as follows:

"Ordered, That no evidence will be received or considered by the commission which was not submitted to the joint convention of the two houses by the President of the Senate with the different certificates, except such as relates to the eligibility of F. C. Humphreys, one of the electors."

Fourth. For that said decision excludes all the evidence taken by the two houses of Congress and the committees of each house concerning the frauds, errors, and irregularities committed by the persons whose certificates are taken as proof of the due appointment of electors.

Fifth. For that said decision excludes all evidence tending to prove that the certificate of —— Stearns, Governor, as also that of the board of State canvassers, was procured or given in pursuance of a fraudulent and corrupt conspiracy to cheat the State of Florida out of its rightful choice of electors and to substitute therefor those who had not been chosen or appointed electors by said State in the manner directed by the Legislature thereof.

Sixth. For that said commission refused to recognize the right of the courts of the State of Florida to review and reverse the judgment of the returning board or board of State canvassers rendered through fraud and without jurisdiction, and rejected and refused to consider the action of said courts after their decision that Charles H. Pearce, Frederick C. Humphreys, William H. Holden, and Thomas W. Long were not entitled to cast the electoral vote of Florida; which said decision was rendered by a court of said State in a case lawfully brought before said court, which court had jurisdiction over the subject-matter thereof, and whose jurisdiction over the said Charles H. Pearce, Frederick C. Humphreys, William H. Holden, and Thomas W. Long had attached before any act was done by them as electors.

Seventh. For that said decision excludes all evidence tending to prove that the State of Florida, by all the departments of its government—legislative, executive, and judicial, has repudiated as fraudulent and void the certificate of —— Stearns, Governor, as well as that of the State canvassers, upon which certificate of the said Governor the said commission has acted and by means of which the true electoral votes of Florida have been rejected and false ones substituted in their stead; and

Eighth. For that to count the votes of Charles H. Pearce, Frederick C. Humphreys, William H. Holden, and Thomas W. Long as electors for President and Vice President would be a violation of the Constitution of the United States.

There being no further objections, the two houses separated.

In the Senate, after some debate, and after voting down all the attempts of the Democracy to adjourn or to reject the decision of the commission in the Florida case, Mr. Sherman's resolution, "That the decision of the commission on the electoral vote of the State of Florida stand as the judgment of the Senate, the objections made thereto to the contrary notwithstanding," was adopted by the following vote:

YEAS.—Messrs. Alcorn, Allison, Anthony, Blaine, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christianey, Clayton, Conkling, Conover, Cragin, Dawes, Dorsev, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Robertson, Sargent, Sharon, Sherman, Spencer, Teller, Wadleigh, West, Windom, and Wright—Total, 44.

NAYS.—Messrs. Bailey, Barnum, Bayard, Bogy, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Hereford, Johnston, Jones of Florida, Kerner, McCrery, McDonald, Maxey, Merimon, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Wallace, Whyte, and Withers—Total, 25:

In the House, after an earnest effort on the part of Messrs. Hale, Kasson, McCrary, and others to induce that body to proceed at once to the consideration of the objections, and to continue the count as required by the electoral law, that body took a recess (by a vote of 162 to 107) until Monday morning.

During the roll-call a message from the Senate announced that the Senate had agreed to the following resolution:

Resolved, That the decision of the commission upon the electoral vote of the State of Florida stand as the judgment of the Senate, the objections made thereto to the contrary notwithstanding.

The message also notified the House that the Senate was now ready to meet the House to proceed with the counting of the

electoral votes for President and Vice President.

In the House, on Monday, (February 12th,) Mr. Field offered the following:

Ordered, That the counting of the electoral votes from the State of Florida shall not proceed in conformity with the decision of the Electoral Commission, but that the votes of Wilkinson Call, James E. Yonge, Robert B. Hilton, and Robert Bullock be counted as the votes from the State of Florida for President and Vice President of the United States.

Mr. Knott, as a substitute, offered a long series of whereases, eight in number, arraigning and denouncing the decision of the Electoral Commission, and ending with the following:

Now, therefore, in order that said commission may have an opportunity to correct its manifest inconsistency therein, and to explain how and in what manner it ascertained that the certificate of M. L. Stearns, as Governor of the State of Florida, was on and according to any determination and declaration of any board of canvassers of said State:

Be it resolved, That the decision of said commission, and the grounds thereof, be, and the same are hereby, remanded and recommitted to said commission, with the request that the same be so corrected or explained to this House, and that said commission be further requested to furnish in detail the true reasons of its decision, that this House may be enlightened as to the course it ought to pursue in the discharge of its duties in respect of the vote of the State of Florida under the Constitution of the United States and the act of Congress above referred to, and that in the meantime the votes of Frederick C. Humphreys, Charles H. Pearce, William H. Holden, and Thomas W. Long shall not be counted.

After some debate they were decided to be out of order under the provisions of the electoral law.

The two hours provided under the law for debate upon Mr. Field's resolution were then occupied by Messrs. McCrary, Banks, Frye, Carr, and Dunnell for the Republicans, and by Messrs. Tucker, Springer, Hurd, Thompson, Walker of Virginia, Robbins, and Field for the Democracy. The efforts of the Democracy against the decision was simply a prolonged cry of "fraud," "fraud"—"the triumph of gigantic fraud"—"the consummation of villainy and fraud" in rob-

bing Tilden of the electoral vote of Florida. All that against the commission of their own creation. The Republicans, while sustaining the decision as eminently just—as the only rightful judgment possible under the Constitution and the laws, and one which vindicated justice and the rights of the people of Florida against the manifold frauds of the Democracy—threw back the charge of fraud. They had courted investigations into all these reckless charges—not merely into the frauds charged in Florida, Louisiana, and South Carolina, but into the notorious frauds in New York city and its surroundings, by which Tilden had stolen its 35 votes; into those of New Haven, Bridgeport, and Hartford, by which the Democracy had robbed Hayes of the electoral votes of Connecticut; into those of Indiana, in which, under its laws, no registration is necessary, and into which voters were imported from Kentucky in such numbers that in one Democratic county Tilden's majority was greater than its whole male voting population. And where were the proofs of Republican frauds in Florida? The charge had not been sustained even by Democratic perjury and forgery. Who was Attorney General Cocke, upon whom the Democracy rely for their proofs? An immaculate Democrat—one of “the pure and undefiled” Democracy of the South! A member of the Florida returning board—a member whose votes and legal opinions had decided the electoral vote of Florida in favor of Hayes, and who only changed his convictions of right and duty, who was only converted to the belief that Tilden had carried the State or was entitled to its electoral vote, through an interview with a lot of New York and other foreign Democratic politicians, with the notorious Manton Marble at their head. So on with the Flemings, Green R. Moores, Floyd Dukes, and others, whose bold perjury had won the applause of Tilden and the Democracy. But under every count and recount the Hayes electors had been chosen. Where, then, were the proofs of Republican fraud? The cry itself was a fraud, an invention of the Democracy for the consummation of the

greatest crime in our history, the foisting of Tilden upon the nation as President by organized violence and fraud!

Mr. Hale proposed to amend Mr. Field's resolution so as to make it read:

Ordered, That the counting of the electoral vote from the State of Florida shall proceed in conformity with the decision of the electoral commission.

The amendment was lost—yeas, 103; nays, 167.

Mr. Field's resolution was then passed by the following vote:

YEAS.—Messrs. Abbott, Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, Jr., Banning, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Carr, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri, Clymer, Cochran, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Faulkner, Felton, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Raymond, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Le Moyne, Levy, Lewis, Luttrell, Lynde, Mackey, Maish, McFarland, McMahon, Meads, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, John F. Philips, Piper, Poppleton, Powell, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Williamson M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, Ward, Warner, Warren, Watterson, Erastus Wells, Whitthorne, Wigginton, Alpheus S. Williams, Jere N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—Total, 168.

NAYS.—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Belford, Blair, Bradley, William R. Brown, Horatio C. Burchard,

Burleigh, Buttz, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Flye, Fort, Foster, Freeman, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Kimball, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Simnickson, Smalls, A. Herr Smith, Stowell, Strait, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Whitehouse, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, Jr., Woodburn, and Woodworth—Total, 103.

Mr. Field offered the following, which was read, considered, and adopted:

Ordered, That the Clerk inform the Senate of the action of this House, and that the House is now ready to meet the Senate in this hall.

At 2.25 o'clock P. M. the Senate entered the hall and took the seats allotted to Senators.

The President *pro tempore* then announced that the joint meeting resumes its sessions. The resolution of the Senate concurring in the decision of the Electoral Commission, and that of the House non-concurring were read, and the President declared that the counting will now proceed in conformity with the decision of the commission. The four votes of Florida was accordingly counted for Hayes and Wheeler. The votes of the States of Georgia, Illinois, Indiana, Iowa, Kansas and Kentucky were severally counted without objection. When the certificates of the votes of Louisiana, signed respectively by William P. Kellogg as Governor, and John McEnergy as Governor, were opened and read, objections were made to the counting of the votes of the Hayes electors, in a writing signed by Messrs. Saulsbury, McDonald, Stevenson and Bogy, Senators; and Messrs. Field, Jenks, Gibson, Tucker, Levy, Ellis and Morrison, members of the House :

I. Because on the 7th day of November,

1876, there was no law, joint resolution, or other act of the Legislature of Florida in force directing the manner in which electors for said State should be appointed.

II. Because, if any such law existed at that date, it vested the appointment of electors in the people, and the Tilden, not the Hayes, electors had been duly appointed.

III. Because the Hayes electors were not appointed in the manner directed by the constitution and the laws of Louisiana and of the United States, and the list of electors certified by the said Wm. P. Kellogg, claiming to be, but not being, Governor, were false in fact and fraudulently made and certified by said Kellogg.

IV. Because the pretended canvass of the returns of said election by J. Madison Wells, T. C. Anderson, G. Casanave, and Louis Kenner, as returning officers, was without jurisdiction and void: 1st. The statutes of Louisiana gave them no jurisdiction to make such canvass. 2d. Such statutes, if conferring such jurisdiction, are void, because unconstitutional. 3d. Such statutes, in conferring upon returning officers judicial power or discretion to reject returns and determine who were appointed electors, was in conflict with the constitution of the State and of the United States, and anti-republican. 4th. If such statutes are valid, still the returning board was illegal, being constituted of only four persons, all Republicans, when the laws declare it shall consist of five persons, of all political parties. 5th. Said returning board had no legal power to reject returns unless the foundation of such power was first laid as required by the laws, which was not done to an extent to change the result on the face of the returns. 6th. Said returning board had falsely and fraudulently certified the election of the Hayes electors. Said returning board had offered, for a money consideration, to certify a correct count, but failing to find a purchaser, had falsely, corruptly, and fraudulently certified the election of the minority candidates.

V. They especially object to the count of the vote of A. B. Levissee, because ineligible under the Constitution, he holding an office of profit and trust under the National Government at the date of appointment.

VI. They especially object to the count of the vote of O. H. Brewster, because ineligible under the Constitution, he holding an office of profit and trust under the National Government at the date of his appointment.

VII. They object and insist that under no circumstances can more than six electoral votes be counted, as Levissee and Brewster

are ineligible, and object especially to the count of Kellogg's vote, said Kellogg certifying his own election as Governor and elector, which certificates are void, as he is disqualified by law from holding both offices.

VIII. Because Kellogg's certificates to the Hayes electors were falsely, fraudulently, and corruptly made and issued as a part of a conspiracy between Kellogg and the returning board to cheat and defraud the rightful Tilden electors of their lawful appointment and the State of its vote for President and Vice President, and are utterly void. In support of all which they invoke the Constitution and the reports of the investigating committees of the House.

Further objections to the counting of the votes of the Hayes electors were made in a writing signed by Messrs. Saulsbury, McDonald, and Kieran, Senators; and Messrs. Jenks, Tucker, Gibson, Field, Levy, and Ellis, Representatives, because at the date of their appointment as electors —November 7th, 1876—the government of Louisiana was not republican in form, or if republican in form, there had been no lawful canvass of the votes at said election, and any alleged canvass was an act of usurpation, fraudulent and void. They object further to the votes of Kellogg, Joffrion, Burch, and Marks, Hayes electors, because at the time of their appointment they were ineligible under the laws of the State, being officers of the State government.

Further objections to the counting of the votes of the Hayes electors were made in a writing signed by Messrs. Stevenson and Whyte, Senators; and Messrs. Hooker, De Bolt, Bland, Wood, Wells and Egbert, Representatives, because the said Hayes electors were not appointed by the State in the manner directed by its Legislature.

Objections to the counting of the votes of the Tilden electors were made and signed by Messrs. Howe, Oglesby, Sherman, West, Hurlbut, Townsend, Joyce, Danford, Crapo, Hale and Lawrence, as follows:

The undersigned respectfully object to the counting of any vote for President and Vice President of the United States given or purporting to have been given by John McEnery or R. C. Wickliff, or of either of them, for the reason that there is no evidence whatever that either of said persons

has been appointed an elector of said State in such manner as the Legislature thereof has directed; and for the further reason that there is evidence conclusive in law that neither of said persons has been appointed to be an elector for the State of Louisiana in such manner as the Legislature thereof has directed.

They respectfully object to the reading, the recording, or the acknowledging of any commission or license or certificate of appointment or of authentication signed or purporting to be signed by John McEnery as Governor of the State of Louisiana, for the reason that there is no evidence that John McEnery is now or ever was at any time during the year 1876 Governor of the State of Louisiana, and for the further reason that there is conclusive evidence that W. P. Kellogg was during the whole of the year 1876 and for several years prior thereto Governor of that State; was recognized as such by the judicial and legislative departments of the government of that State and by every department of the government of the United States.

There being no further objections the certificates and objections were referred to the Electoral Commission for its judgment and decision, and the Senate returned to its chamber.

At the meeting of the Electoral Commission on Monday, February 12th, the following communication was received (at 4.40 o'clock P. M.) and read:

HALL OF HOUSE OF REPRESENTATIVES,
February 12, 1877.

To the President of the Commission:

More than one return or paper purporting to be a return or certificate of electoral votes of the State of Louisiana having been received and this day opened in the presence of the two houses of Congress and read, and objections thereto having been made, the said returns, with all accompanying papers, and also the objections thereto, are herewith submitted to the judgment and decision of the commission, as provided by law.

T. W. FERRY,
President of the Senate.

At the meeting of the commission on Tuesday, (February 13th,) at 11 o'clock A. M., Senator McDonald and Representative Jenks urged the objections of the Democracy to the count of Louisiana for Hayes, followed by Senator Howe and Representative Hurlbut for the Republicans in favor of that count. The argument of counsel

was opened at the evening session for the Democracy by ex-Senator Carpenter.

At the meeting of the commission on Wednesday, (February 14th,) at 10 o'clock A. M., Mr. Carpenter concluded his argument. The evidence which the Democracy proposed to submit, and asked the commission to admit, was then offered by ex-Senator Trumbull. After considerable discussion by the commissioners upon various points raised, Mr. Trumbull opened the argument for the Democracy upon the question of the admissibility of testimony, and in favor of its admission. He was followed by Messrs. Stoughton and Shellabarger for the Republicans against its admission.

At the meeting of the commission on Thursday, (February 15th,) at 10.15 o'clock A. M., Mr. Evarts continued the argument for the Republicans, and Judge Campbell closed the argument for the Democracy. The arguments on both sides were a repetition in substance of the principles and points involved in the Florida case.

At the meeting of the commission on Friday, (February 16th,) at 10 o'clock A. M., it was—

Ordered, That the evidence offered be not received.

An extension of time for further argument was declined by both sides, and the commission went into secret session, in which it adopted the following by a vote of yeas 8, nays 7 :

The Electoral Commission mentioned in said act, having received certain certificates and papers purporting to be certificates, and papers accompanying the same, of the electoral votes from the State of Louisiana, and the objections thereto submitted to it under said act, now report that it has duly considered the same pursuant to said act, and has by a majority of votes decided and does hereby decide that the votes of William P. Kellogg, J. Henri Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, Aaron B. Levisse, Orlando H. Brewster, and Oscar Joffrion, named in the certificate of William P. Kellogg, Governor of said State, which votes are certified by said persons, as appears by the certificate submitted to the commission as aforesaid, and marked numbers one (1) and three (3) by said commission, and herewith returned, are the votes provided for by the Constitution of the United States, and that the

same are lawfully to be counted as therein certified, namely:

Eight votes for Rutherford B. Hayes, of the State of Ohio, for President; and

Eight votes for William A. Wheeler, of the State of New York, for Vice President.

The commission has by a majority of votes also decided, and does hereby decide and report, that the eight persons first before named were duly appointed electors in and by the State of Louisiana,

The brief ground of this decision is that it appears, upon such evidence as by the Constitution and the law named in said act of Congress is competent and pertinent to the consideration of the subject, that the before-mentioned electors appear to have been lawfully appointed such electors of President and Vice President of the United States for the term beginning March 4th, A. D. 1877, of the State of Louisiana, and that they voted as such at the time and in the manner provided for by the Constitution of the United States and the law.

And the commission has by a majority of votes decided and does hereby decide that it is not competent under the Constitution and the law as it existed at the date of the passage of said act to go into evidence *aliunde* the papers opened by the President of the Senate in the presence of the two houses to prove that other persons than those regularly certified to by the Governor of the State of Louisiana on and according to the determination and declaration of their appointment by the returning officers for elections in the said State prior to the time required for the performance of their duties had been appointed electors, or by counter-proof to show that they had not; or that the determination of the said returning officers was not in accordance with the truth and the fact; the commission by a majority of votes being of opinion that it is not within the jurisdiction of the two houses of Congress assembled to count the votes for President and Vice President to enter upon a trial of such questions.

The commission by a majority of votes is also of opinion that it is not competent to prove that any of said persons so appointed electors as aforesaid held an office of trust or profit under the United States at the time when they were appointed or that they were ineligible under the laws of the State, or any other matter offered to be proved *aliunde* the said certificates and papers.

The commission is also of opinion by a majority of votes that the returning officers of elections who canvassed the votes at the election for electors in Louisiana were a legally constituted body by virtue of a constitutional law and that a vacancy

in said body did not vitiate its proceedings.

The commission has also decided and does hereby decide by a majority of votes, and report that as a consequence of the foregoing and upon the grounds before stated that the paper purporting to be a certificate of the electoral votes of said State of Louisiana, objected to by Timothy O. Howe and others, marked "N. C. No. 2" by the commission and herewith returned, is not the certificate of the votes provided for by the Constitution of the United States, and that they ought not to be counted as such.

It was subsequently certified and signed by Samuel F. Miller, W. Strong, Joseph P. Bradley, George F. Edmunds, O. P. Morton, Fred'k T. Frelinghuysen, James A. Garfield, George F. Hoar.

On Monday, (the 19th.) the joint meeting of the two houses reassembled, and the Secretary of the Senate read the decision of the commission. The Democracy offered as objections to the decision the proceedings of the commission refusing to admit testimony and the proffered evidence, signed by all the Democratic Senators and Members. Further objections were offered by Messrs. Johnston, Wallace, Dennis, Bailey, Kernan, Kelly, and Saulsbury, Senators; and by Messrs. Hopkins, Boone, Roberts, Ashe, Money, and Clymer, Members, to the effect that the decision was in violation of law, an act of bad faith in the commission, and in disregard of truth, justice, and law, &c. Similar objections were filed by other Senators and Members. The houses then separated.

In the House, a motion for a recess was immediately made and carried.

In the Senate, after debate, the following resolution was adopted by a vote of yeas, 41; nays, 28 :

Resolved, That the decision of the commission upon the electoral vote of the State of Louisiana stand as the judgment of the Senate, the objections made thereto to the contrary notwithstanding.

In the House on Tuesday, (February 20th,) after debate, a resolution was adopted, dissenting from the decision of the commission.

On the same day the joint meeting reassembled. The action of the Senate and

House was stated, and the count proceeded. The votes of Louisiana, Maine, Maryland, and Massachusetts were counted. Objection was made to the count of the vote of Daniel S. Crossman, a Michigan elector, on the ground of ineligibility, &c. The two houses separated, and both decided to count the vote of Crossman, both agreeing that he was eligible.

The joint meeting reassembled. The votes of Michigan, Minnesota, Mississippi, Missouri, and Nebraska were counted. Objection was made to the vote of R. M. Daggett, a Nevada elector, on the ground of ineligibility, &c. The two houses separated.

The House immediately voted to take a recess until the following morning.

In the Senate, a resolution was adopted deciding to count Daggett's vote.

On the 21st, the House also adopted a resolution, deciding to count Daggett's vote. The joint meeting reassembled, and the count proceeded. The votes of Nevada, New Hampshire, New Jersey, New York, North Carolina, and Ohio were counted. Objections to the counting of the Oregon Hayes electoral votes were made by Messrs. Kelly, Cooper, Bogy, McDonald, and Stevenson, Senators; and Messrs. Field, Tucker, Lane, Jenks, Walling, Clymer, Wigginton, Poppleton, Vance, Hurd, and Luttrell, Members, to the effect that their votes have not the certificate of the Governor of Oregon, with the seal of the State, attached; that Watts, claiming to be an elector, was ineligible on the 7th day of November, 1876, he being a postmaster on that day; that the certificate of the Governor of Oregon does not contain the name of Watts; that it was lawful and right for the Governor to appoint Cronin, instead of Watts, and that Cartwright and Odell had no lawful right to appoint Watts on the 6th day of December, as on that day Watts was a postmaster and ineligible.

Objections to the count of the so-called Tilden electors were made by Messrs. Mitchell and Sargent, Senators, and Messrs. Lawrence, Hale, McCrary, and Banks, Members, to the effect that Miller, Parker, and Cronin, the said so-called Tilden electors, were never lawfully appointed as

said electors; that the lawfully appointed Hayes electors, at the time and in the manner prescribed by law, cast their votes for Hayes and Wheeler; that their votes are "the only true and lawful votes" of the State, and were duly transmitted to the President of the Senate; that they received the highest number of votes cast at the election on November 7th, 1876; that the Secretary of State, the canvassing officer under the laws of Oregon, canvassed the votes cast at said election, and certifies, under his hand and great seal of the State, that the Hayes electors were duly appointed by the qualified voters of Oregon.

These objections were referred to the electoral commission.

At the meeting of the Electoral Commission on Wednesday, (February 21st,) at 11 o'clock A. M., the order of the joint meeting of the two houses, referring the certificates with the several objections in the Oregon case to the commission, was read. Senator Kelly, followed by Representative Jenks, sustained the objections against counting the Hayes college, and Senator Mitchell, followed by Representative Lawrence, rebutted those objections. At the evening session Mr. Hoadly, as counsel, opened the argument for the Democracy.

At the meeting of the commission on Thursday, (February 22d,) at 10 o'clock A. M., Mr. Matthews opened the argument for the Republicans. Here the testimony of Messrs. Postmaster General Tyner, J. M. McGrew, and John W. Watts was taken as to the date of Watts' resignation as postmaster, establishing the fact that he resigned on the 14th of November, 1876, and had not since exercised any of the functions of the office. Then Mr. Evarts closed the argument for the Republicans, and Mr. Merrick that for the Democracy. The arguments on both sides were a repetition, in substance, of those in the Florida case on the question of the eligibility of Humphreys. The commission went into secret session.

At the meeting of the commission on Friday, (February 23d,) at 10 o'clock A. M., it proceeded to a discussion of the merits of the case. At a few minutes to 4 o'clock P.

M. the commission adjourned to Mr. Thurman's house, who was sick, for the purpose of voting on the propositions submitted by members. The motion of Commissioner Fields, that Watts was ineligible on the 7th of November, 1876, was lost by a vote of yeas 7, nays 8. The motion of Mr. Fields that, Watts being ineligible, Cartwright and Odell were the only persons duly elected, and that there was a failure to elect a third, was also lost—yeas 7, nays 8. The motion of Mr. Fields that, as the laws of Oregon make no provision for the appointment of an elector in the case of a failure by the people to choose, the attempted election of a third in Oregon was inoperative and void, was lost by a vote of yeas 7, nays 8. Mr. Bayard's motion of a like purport was also lost by the same vote. Mr. Edmunds' motion declaring the Cronin college illegal was adopted unanimously—yeas 15; and the motion of Mr. Morton, declaring Odell, Cartwright, and Watts the lawful electors of Oregon, and that their vote should be counted, was then adopted—yeas 8, nays 7. The following report was signed by Messrs. Samuel F. Miller, W. Strong, Joseph P. Bradley, George F. Edmunds, O. P. Morton, Frederick T. Frelinghuysen, James A. Garfield, and George F. Hoar, and addressed to the President of the Senate:

REPORT OF THE COMMISSION.

The Electoral Commission in said act having received certain certificates and papers, purporting to be certificates and papers accompanying the same of the electoral vote from the State of Oregon, and the objections thereto, submitted to it under said act, now reports that it has duly considered the same pursuant to said act, and has by a majority of votes decided, and does hereby decide, that the votes of W. H. Odell, J. C. Cartwright and J. W. Watts, named in the certificate of said persons, and in the papers accompanying the same, which votes are certified by said persons, as appears by the certificates submitted to the commission as aforesaid, and marked No. 1, N. C., by said commission, and herewith returned, are the votes provided for by the Constitution of the United

States, and that the same are lawfully to be counted as therein certified, namely : Three votes for Rutherford B. Hayes, of the State of Ohio, for President, and three votes for William A. Wheeler, of the State of New York, for Vice President.

The commission has, by a majority of votes, also decided, and does hereby decide and report that the three persons first above-named were duly appointed electors in and by the State of Oregon.

The brief ground of this decision is that it appears upon such evidence as by the Constitution and the law named in the said act of Congress is competent and pertinent to the consideration of the subject ; that the before-mentioned electors appear to have lawfully appointed such electors of President and Vice President of the United States for the term beginning March 4, A. D. 1877, of the State of Oregon, and that they voted as such at the time and in the manner provided for by the Constitution of the United States, and the law.

And they are further of opinion that by the laws of the State of Oregon the duty of canvassing the returns of all the votes given at an election of President and Vice President was imposed upon the Secretary of State and upon no one else.

That the Secretary of State did canvass these returns in the case before us, and thereby ascertained that J. C. Cartwright, W. H. Odell, and J. W. Watts had a majority of all the votes given for electors, and had the highest number of votes for that office, and by the express language of the statutes those persons are deemed elected.

That in obedience to his duty, the Secretary made a canvass and tabulated statement of the votes showing this result, which, according to law, he placed on file in his office on the 4th day of December, 1876. All this appears by an official certificate under the seal of the State, and signed by him, and delivered by him to the electors, and forwarded by them to the President of the Senate, with their votes.

That the refusal or failure of the Governor of Oregon to sign the certificate of the election of the persons so elected does not have the effect of defeating their appointment as such electors.

That the act of the Governor of Oregon in giving to E. A. Cronin a certificate of his election, though he received a thousand votes less than Watts, on the ground that the latter was ineligible, was without authority of law, and is therefore void.

That although the evidence shows that Watts was a postmaster at the time of his election, that fact is rendered immaterial by his resignation both as postmaster and elector, his subsequent appointment to fill the vacancy so made by the electoral college.

The commission has also decided, and does hereby decide by a majority of votes, and reports that as a consequence of the foregoing, and upon the grounds before stated, the paper purporting to be a certificate of the electoral vote of said State of Oregon, signed by E. A. Cronin, J. N. T. Miller, and John Parker, marked No. 2, N C., by the commission, and herewith returned, is not the certificate of the votes provided for by the Constitution of the United States, and that they ought not to be counted as such.

REASSEMBLING OF THE JOINT MEETING.

On Saturday (February 24th) the joint meeting reassembled. The decision of the commission in the Oregon case was read, and Senators Wallace, Ransom, and Whyte, and Representatives Stenger, Tucker, Roberts, Collins, Turney, Slemons, Mutchler, Cochrane, Vance, and Jenks, objected to the decision on the grounds urged by the Democratic counsel before the commission. The houses separated. The Senate affirmed the decision. The House, after the Democracy had failed in a filibustering attempt to adjourn, voted to reverse the decision.

The joint meeting reassembled. The action of the two houses was stated by the President of the Senate, and the count continued. The three votes of Oregon were counted for Rutherford B. Hayes and William A. Wheeler. Objections were made to a vote of Pennsylvania, because Daniel J. Morrell, being a Centennial Commissioner on the 7th of November, 1876, was ineligible, and not meeting with the college, the appointment of Henry A. Boggs by the electors to fill the vacancy thus

created was in violation of the law of Pennsylvania, and that his vote ought not to be counted. The houses separated. In the Senate it was decided that the vote was legal, and should be counted, but in the House the Democracy forced a recess until Monday.

In the House on Monday, (the 26th,) after the Democracy had exhausted every filibustering expedient, in which Messrs. Stenger, of Pennsylvania; Hewitt, of New York; Tucker, of Virginia; Jones, of Kentucky; Davis, Beebe, Caulfield, Poppleton, Hardenbergh, Buckner, and Springer were distinguished, a resolution was adopted declaring that Boggs had not been legally appointed an elector, and that his vote should not be counted.

The joint meeting reassembled, and the twenty-nine votes of Pennsylvania were counted for Hayes and Wheeler. Objections were made to counting the vote of Wm. S. Slater, an elector for Rhode Island. The two houses separated. In the Senate, a resolution affirming the legality of Slater's vote, and that it ought to be counted, was unanimously adopted. In the House, the Democratic filibusters—its political Captain Kidds and Lafittes—were routed by a vote of yeas one hundred and eighty-two to sixty-seven nays. The House then declared that Slater's vote be counted.

The joint meeting reassembled, and the votes of Rhode Island were counted. Objections were made to the count of South Carolina for Hayes and Wheeler, by Senators Johnson and Barnum, and Representatives S. S. Cox, J. Proctor Knott, John Randolph Tucker, G. A. Jenks, W. S. Stenger, and thirty others, on the ground: first, that at the Presidential election there was no legal election held in South Carolina; second, that at the date of the election the government of the State was not republican in form; third and fourth, that the stationing of troops and the employment of deputy marshals, illegally, by the Federal Government, in the State, during the election, intimidated Democratic voters; and fifth, that there was at the date of the election no government in the State but the one sustained by Federal troops. Objections were made to the counting of

the votes of the so-called Tilden electors of South Carolina by Senators Patterson, Angus Cameron, and Christiany, and Representatives Lawrence, Lapham, Banks, Smalls, Hoge and Rainey, on the ground that the said so-called electors were not appointed electors by South Carolina; that their list of pretended votes have not the certificate of the Governor and the seal of the State attached; that the Hayes electors were duly appointed by the State; that the proper canvassing officer of the State, after a careful canvass of all of the votes cast at the Presidential election, had duly certified their appointment; that their votes had been duly cast on the day designated by law, and the list of said votes were transmitted to the President of the Senate, with the certificate of the Governor and the great seal of the State attached.

The certificates and objections were referred to the commission.

At the meeting of the Electoral Commission on Monday, (February 26th,) at 10 o'clock A. M., the resignation of Senator Thurman, because of continued ill-health, as a member of the commission, was received. The Senate was promptly notified of the resignation, and Mr. Kernan, of New York, was unanimously elected in the place of Mr. Thurman. At its evening session the order of the joint meeting of the two houses referring the certificates and objections in the South Carolina case was read.

At the meeting of the commission on Tuesday, (February 27th,) at 10 o'clock A. M., Representatives Hurd and Cochrane, for the Democracy, sustained the objections against the Hayes electors, followed by Representative Lawrence in their support. Senator Christiany, for the Republicans, waived his right to be heard. Messrs. Montgomery Blair and Jere. S. Black were heard as counsel, in argument, for the Democracy; but Mr. Shellabarger for the Republicans submitted their side of the case without argument.

At the evening session Mr. Morton offered resolutions declaring—

That it is not competent for the two houses, assembled to count the vote for President and Vice President, to inquire

by evidence whether a State, regularly represented in the two houses of Congress, and recognized as a State of the United States by the other departments of the Government, has a government Republican in form; that while public disturbance and anarchy in any State may make it impossible for the State to appoint electors of President and Vice President, and is sufficient cause for rejecting any electoral votes purporting to be the votes of electors appointed thereby, yet, that where a State is regularly represented as a State in Congress, and is recognized as a State by the other departments of the Government, and has a government republican in form, and does appoint electors in the manner prescribed by the Legislature thereof, evidence cannot be received by the two houses of Congress assembled to count the votes, to show that disturbance existed at the time of election, which may have interfered to a greater or less extent with the freedom of election at the polls in said State; nor to inquire into the regularity of the action of the President of the United States in sending a military force into any State for the preservation of order or the suppression of insurrection and domestic violence, in order by such proof to lay a ground for rejecting the electoral vote of said State; that, consequently, the electoral votes of the State of South Carolina ought to be received and counted, if not objectionable on other grounds; and that the other objections show no valid cause for rejecting the same.

Mr. Field offered as substitutes resolutions declaring—

That evidence is admissible to show that prior to or during the election on the 7th day of November, 1876, in the State of South Carolina, there were unlawfully stationed in various parts of the State, at or near the polling places, detachments of United States troops and over one thousand United States deputy marshals, by whose presence and influence qualified voters of the State were deprived of the right of suffrage, and a free choice by the people of Presidential electors was prevented.

Mr. Field's resolutions were rejected, and Mr. Morton's adopted by a vote of eight to seven.

On motion of Mr. Frelinghuysen, the so-called Tilden electors were declared "not the lawful electors for the State of South Carolina." Yeas 8, nays 7.

On motion of Mr. Morton, it was declared that C. C. Bowen, J. Winsmith,

Thomas B. Johnston, Timothy Hurley, W. B. Nash, Wilson Cook, and W. F. Myers, the Hayes electors, were the lawfully-appointed electors for the State, and that their votes should be counted. Yeas 8, nays 7.

The following report was signed by Messrs. Samuel F. Miller, W. Strong, Joseph P. Bradley, George F. Edmunds, O. P. Morton, Frederick T. Frelinghuysen, James A. Garfield, and George F. Hoar, and addressed to the President of the Senate:

The Electoral Commission, mentioned in said act, having received certain subpoenas and papers purporting to be certificates, and papers accompanying the same, of the electoral votes from the State of South Carolina, and the objections thereto submitted to it under said act, now report that it has duly considered the same pursuant to said act, and has, by a majority of votes decided, and does hereby decide, that the votes of C. C. Bowen, J. Winsmith, Thomas B. Johnson, Timothy Hurley, W. B. Nash, Wilson Cook, and W. F. Myers, named in the certificate of D. H. Chamberlain, Governor of said State, which voter are certified by said persons, as appears by the certificates submitted to the commission as aforesaid, and marked "No. 1, S. C.," by said committee, and herewith returned, are the votes provided for by the Constitution of the United States, and that the same are lawfully to be counted as herein certified, namely: Seven (7) votes for Rutherford B. Hayes, of the State of Ohio, for President, and seven (7) votes for William A. Wheeler, of the State of New York, for Vice President.

The commission has, by a majority of votes, also decided, and does hereby decide and report, that the seven persons just above named were duly appointed electors in and by the State of South Carolina.

The brief ground of this decision is, that it appears upon such evidence as by the Constitution and the law named in said act of Congress, is competent and pertinent to the consideration of the subject, that the before mentioned electors appear to have been lawfully appointed such electors of President and Vice President of the United States for the term beginning March 4, A. D. 1877, of the State of South Carolina, and that they voted as such at the time and in the manner provided for by the Constitution of the United States and the law.

And the commission, as further grounds for their decision, are of opinion that the failure of the Legislature to provide a sys-

tem for the registration of persons entitled to vote, does not render nugatory all elections held under said laws, otherwise sufficient, though it may be the duty of the Legislature to enact such a law. If it were otherwise all government in that State is a usurpation, its officers without authority, and the social compact in that State is at an end.

That this commission must take notice that there is a government in South Carolina republican in form, since its constitution provides for such a government, and it is, and was on the day of appointing electors, so recognized by the Executive, and by both branches of the legislative departments of the Government of the United States.

That so far as the commission can take notice of the presence of the soldiers of the United States in the State of South Carolina during the election, it appears that they were placed there by the President of the United States, to suppress insurrection, at the request of the proper authorities of the State.

But we are also of opinion that under the papers before us it appears that the Governor and Secretary of State having certified under the seal of the State that the electors whose votes we have decided to be the lawful electoral votes of the State were duly appointed electors, which certifies, both by presumption of law and by the certificate of the rival claimants of the electoral office, was based upon the action of the State canvassers, there exists no power in this commission, as there exists none in the two houses of Congress, in counting the electoral vote, to inquire into the circumstances under which the primary vote for electors was given.

The power of the Congress of the United States, in its legislative capacity, to inquire into the matters alleged and to act upon the information so obtained, is a very different one from its power in the matter of counting the electoral votes. The votes to be counted are those presented by the States, and when ascertained and presented by the proper authorities of the States they must be counted.

The commission has also decided, by a majority of votes, and does hereby direct and report, that as a cause of the foregoing and upon the grounds before stated, the paper purporting to be the electoral vote of said State of South Carolina, signed by Theodore R. Barker, S. McGowan, John W. Harrington, John Isaac Ingram, William Wallace, John B. Erwin, Robert Aldrich, marked "No. 2, S. C.," by the commission, and herewith returned, is not the certificate of the votes provided for by the Constitu-

tion of the United States, and that they ought not to be counted as such.

When the following resolution, offered by Mr. Morton, was unanimously adopted :

Resolved, That the thanks of the commission are due to Commissioner Clifford for the ability, impartiality, and urbanity with which he has presided over its deliberations.

The members of the commission were authorized to file, and have printed with its proceedings, the remarks made by them during its consultations, and removed from its private sessions the injunction of secrecy.

In the House the squad of Democratic filibusters attempted delay through their discreditable tactics, but were signally defeated. Mr. Springer's motion for a recess was rejected by a vote of yeas 92 to nays 170. Under the rulings of Speaker Randall their points of order and appeals—all for the purpose of delay—were soon disposed of. The Clerk read the decision of the Electoral Commission and the objections in the joint meeting of the two houses respecting the votes of South Carolina. When Mr. Philips, of Missouri, asked that the testimony in the case be read, Mr. Wood, of New York, objected, because the evidence comprised twelve hundred pages, and the reading, at the rate of ten pages per hour, would consume over five days; hence the object of calling for the reading was to defeat the count. The Speaker submitted the question to the House, and it refused, by a vote of 87 yeas to 175 nays, to have the testimony read. After the two hours debate under the electoral law had been exhausted, upon a resolution sustaining the objections, a call was made for the question, but an amendment of Mr. Walling, of Ohio, and the tactics of the filibusters were interposed, and they succeeded in forcing the following agreement :

"The amendment to be withdrawn, and the House to come to a direct vote upon the original resolution as amended by Mr. Walling, of Ohio; the Senate then to be invited to meet the House for the purpose of continuing the count; and when the State of Vermont shall be reached, and the two houses shall separate, then the House to take a recess until to-morrow at 10 o'clock."

The resolution sustaining the objections was then adopted.

In the Senate a resolution sustaining the decision of the commission was adopted.

The two houses reassembled in joint meeting. The separate action of the two houses was read and the count continued. The votes of South Carolina, Tennessee, and Texas were counted; when objection was made to the count of the votes of Vermont by Senator Merrimon and Representatives Springer and Hamilton on the ground that dual returns had been sent to the President of the Senate from the State. President Ferry stated that he had received but one return from the State. Mr. Hewitt offered a duplicate of the second return. The President declined to receive it. The law forbade his receiving any such paper after the first Thursday in February. Mr. Springer, of Illinois, produced an indecent scene by his violent and unparliamentary conduct, and President Ferry was compelled, again and again, to direct him to take his seat. Other objections, signed by Senator Barnum and Representatives Poppleton, McMahon, and others were filed, to the effect that Henry S. Sollace, a Hayes elector of the State of Vermont at the date of the last Presidential election, was ineligible as an elector, &c., but that the vote of Amos Aldrich, (Cronin, No. 2,) the Democratic elector who received the highest vote at the election, should be counted.

Here Mr. Springer attempted a renewal of his indecent conduct by demanding that the case of Vermont—it having dual returns—be referred to the Electoral Commission. The President of the Senate stated that he had received but the one set of returns, which had been read, and as there were no further objections he and the Senate withdrew.

The House then took a recess, as per agreement. In the Senate, after a brief debate, a resolution was unanimously adopted declaring that the vote of Sollace should be counted, when the Senate took a recess until the following morning.

In the House on Thursday, (March 1st,) the recess having expired, an attempt was made to consider and dispose of the objec-

tions in joint meeting to the count of Sollace's vote in the electoral college of Vermont. That the filibusters at once opposed by all manner of motions. They demanded that the bogus electoral certificate from Vermont presented by Mr. Hewitt be returned to the House by the President of the Senate, who they insisted had carried it away, and retained it in his custody; that it be opened by him in the joint meeting, and that if it contain a dual certificate of votes that the case of Vermont be referred to the Electoral Commission. All these demands were successively voted down by a decisive majority of the House. Then calls of the House by divisions, by tellers, and by yeas and nays, motions to reconsider these and to lay them on the table by yeas and nays, and motions to take recesses and the like; rising to frivolous points of orders without point, of questions of privilege, of "higher" privilege than the "highest" privilege—all amid the wildest confusion and indecent uproar; members rising and standing, some garrulously attempting spread-eagle bombast, others shouting in the effort to make themselves heard, and others gesticulating furiously, in all of which the galleries and lobby participated. Again and again were the lobbies and cloak-rooms cleared. All attempts and appeals of the Speaker and orderly members of the body to preserve the decorum of the House were openly defied. The scene baffles description. Engaged in it most prominently were Poppleton and Walling, of Ohio; Caulfield and Springer, of Illinois; Beebe, of New York; O'Brien, of Maryland; and Mills, of Texas—Beebe actually mounting a desk and ranting like a crazy harlequin in a mountebank show. At length the House reached the main question. The Senate had on the previous evening unanimously adopted a resolution declaring that the vote of Sollace should be counted. The House now voted that it should not be counted.

The joint meeting reassembled. The count was resumed. The votes of Vermont, Virginia, and West Virginia were counted. Objections were made to the count of Daniel L. Downs, a Hayes elector

for Wisconsin, on the ground of ineligibility, he having been, it was alleged, at the date of his appointment, an examining surgeon for the Pension Office. The two houses separated. The Senate promptly decided that Downs' vote ought to be counted. In the House filibustering, indecent confusion and uproar again long prevailed. Mr. Mills, of Texas, moved a long series of "whereases," declaring that Tilden had been elected by the people, and denouncing the canvassing officers and Governors of Louisiana and Florida as guilty of corruption and fraud, and the Electoral Commission of duplicity and bad faith, declaring that Hayes had not been duly and legally elected, and ending with the following :

Resolved by the House of Representatives. That said House will proceed immediately, in obedience to the Constitution, to choose a President.

Manifestly, a majority of the House was in favor of its adoption, but after a struggle it was beaten by the point that it was not in order, or germane to the objections under consideration, and the question upon Downs' vote was reached, and the House resolved that it should not be counted.

The joint meeting reassembled. The separate resolutions of the two houses were read and the count concluded. The five votes of Wisconsin were counted for Hayes and Wheeler, and the President of

the Senate, after receiving the result from the tellers, announced that Rutherford B. Hayes having received 185 votes, a majority of all the votes cast, is duly elected President of the United States, and William A. Wheeler, having received 185 votes, a majority of all the votes cast, is duly elected Vice President of the United States, for four years from the 4th of March, 1877.

So the mighty struggle ended, and fortunately for the country, in the triumph of justice and right. During the later scenes of the disgraceful proceedings in the House, on Friday morning, Mr. Blackburn, of Kentucky, in his ill-suppressed malice, called its attention "to the fact that Friday had been ushered in—Friday, 'hangman's day'—a fit day to witness the consummation of the villainy of this procedure." Mr. Williams, of Wisconsin, responded. He said : "This is not only Friday, but hangman's day; and there could be no more fitting time than just past the hour of midnight—

'When churchyards yarn, and Hell itself
breathes out
Contagion to this world'—

that this bogus, pretentious, bastard brat of political reform, which for the last twelve months has affronted the eyes of God and men, should be strangled to death, gibbeted higher than Haman!" And so it was.

THE INAUGURATION OF RUTHERFORD B. HAYES.

By proclamation President Grant summoned, as is usual in such cases, an extra meeting of the Senate, to convene on Monday, March 5th, at 12 noon, to attend the inauguration of President elect R. B. Hayes, and of Vice President elect William A. Wheeler. The arrangements for this occasion have been made known to the country through the public press. Attended by an immense concourse of the most distinguished and prominent persons in official life, with a large number of ladies, and of visitors from all parts of the country, the members of the diplomatic corps, the judges of the Supreme Court, the outgoing

Cabinet, and many other notables, the Senate convened at the hour designated. It was then organized by administering the oath to Vice President Wheeler and to the incoming Senators in the presence of the august assembly. The body then repaired to the stand prepared, in the usual place, on the east front of the Capitol, where, after all was arranged, the President elect received the oath of office at the hands of the Chief Justice of the United States Supreme Court, and there, before a surging sea of upturned faces, delivered his inaugural address. This done, he was subsequently conveyed in the midst of a mighty

procession back to the Executive Mansion, to enter on the duties of his term.

The time for preparation was exceedingly short. The city was thronged with strangers, and in the midst of the strongest and most bitter current of party and political excitement that ever swayed the nation, the proceedings of the day were accomplished without disorder, and as becomes the dignity of a great people and the fame of the great Republic—*estō perpetua.*

The inaugural address of President Hayes is a plain, manly statement of the condition of the country, and of what is required in order to secure the desired end. It is in harmony with what was said in his letter of acceptance. He gives the Southern question great prominence as a subject "of su-

preme importance," as it certainly is, and defines it as "the permanent pacification of the country upon such principles and by such measures as will secure the complete protection of all its citizens in the free enjoyment of all their constitutional rights." This view of the case will be heartily endorsed by every good citizen throughout the country, as will also the declaration that "the evils which afflict the Southern States can only be removed or remedied by the united and harmonious efforts of both races, actuated by motives of mutual sympathy and regard." He points to the necessity of the material development of the South, urges reform in the civil service, and closes with an earnest appeal in a united effort "to secure to our country the blessings of justice, peace, and union."

THE WORK OF THE FORTY-FOURTH CONGRESS.

THE ELECTORAL COUNT.

The matter of President-making has pretty thoroughly absorbed the time and attention of Congress during the present session. The history of this most marvelous and unprecedented state of things is so thoroughly and accurately given in this number as to preclude the necessity of further notice in this place. One very singular result may, however, be mentioned.

In the Senate Hon. T. W. Ferry, President of the Senate, ruled that the electoral-count day begun on Thursday, February 1st, and that it continues until the completion of the count, which must be before the 4th of March; and, further, that the legislative day can only transpire during the time that the Electoral Commission is sitting upon a case which has been referred to it under the recent law. At all other times no business has been in order but proceeding with the electoral count. As the Electoral Commission has been in session a considerable portion of the time since February 1st, this ruling, which is undoubtedly correct, has permitted the business of the Senate to proceed with less delay than at first might be supposed. In the House Mr. Speaker Randall started out

upon a different theory, which was that nothing could be done after the count begun, aside from the proceedings of the count itself, except by unanimous consent. After a week or ten days of obstruction to the ordinary and necessary business of Congress, produced by this ruling, it was found necessary to change it and take the theory adopted by the President of the Senate.

THE APPROPRIATIONS.

The regular appropriation bills have this year been allowed to pass without much scrutiny or contest, the Democrats in the House having pretty much their own way of fixing them, as there has been no time for long discussions over these bills.

REPORTS OF INVESTIGATIONS.

The various committees constituted at the commencement of the session to examine into the existence and extent of fraud and intimidation in the late Presidential election, have either fully or nearly completed their labors, and some of the reports have been already made or made in part. An immense mass of evidence has been taken, and the want of time and the general confusion will prevent this

Congress from ever being able in any proper manner to digest it, and it must be turned over to the archives of the Capitol, to furnish food for the curious and the philosophical, or to aid the future historian in his researches in regard to the actual condition of these eventful times.

CENTENNIAL EXPOSITION.

An interesting memorial touching the provision for a suitable place for the deposit of the relics of the Centennial Exposition, which have been accumulating in large quantities from our own and foreign countries, has been made in the House. The list of countries presenting these materials, besides our own, is as follows: Argentine Republic, Austria, Belgium, Brazil, Chili, China, Egypt, France, Germany, Hawaii, Italy, Japan, Mexico, Netherlands, Norway, Orange Free States, Peru, Portugal, Russia, Spain, Sweden, Siam, Switzerland, Turkey, Tunis, Great Britain, Bermuda, Canada, New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Venezuela. It is likely that a building will be furnished by the Government for these materials.

PACIFIC RAILROAD.

In the Senate a long discussion has been in progress on a bill reported to amend the former legislation in regard to the Pacific railroad companies and the matters necessary to be adjusted between them and the Government of the United States. But no conclusion has been reached thereon.

THE RECUSANT WITNESSES.

Governor Wells and General Anderson, members of the Returning Board of the State of Louisiana, have been held in contempt by the Democratic House and placed in close confinement in the basement of the Capitol for not producing papers and documents over which they have now no control, and which they have no right to produce if they possessed them. The oppression of the House has been in this instance arbitrary and severe, and has called forth an indignant protest from a large portion of the press of the country. It is an evil, however, which will, in a few days, come to an end; and if there is any redress

for such treatment under the laws and in the courts of the country, these gentlemen ought to prosecute it to the end.

MR. JAMES B. EADS.

This gentleman, having succeeded with his jetties in making the contemplated improvement in the south pass of the mouth of the Mississippi river, comes now before Congress, claiming, under former legislation, half a million of dollars. Much discussion has followed this application, but Congress has finally awarded it to him, and the money has been paid from the United States Treasury.

THE DISTRICT TAX BILL.

This bill has been pending some time in the Senate, but was finally passed by that body. Its provisions are rather onerous upon the tax-payers of the District, but on the whole may be accepted as the fairest that Congress is disposed to concede. The rate of taxation on real estate in the cities of Washington and Georgetown is \$1 50 to the \$100, and in other parts of the District \$1 to the \$100. Church edifices and school buildings are exempt. The bill, in substance, will doubtless become a law, and stand for the present as the legislation controlling this important subject.

COMPLETION OF THE COUNT.

On the morning of March 2d, at about 4 o'clock, Congress having been in session all night, and that on the heel of one of the most exciting days ever known in the Capitol, the two houses having met for the last time in joint convention, the vote of Wisconsin, the last of the thirty-eight States of the Union, was counted for Hayes and Wheeler. The tellers summed up the count, and Mr. Allison, one of the Senate tellers, announced the vote to stand as follows: Whole number of votes of the electoral college, 369; for Hayes and Wheeler, 185; for Tilden and Hendricks, 184.

Then, in the presence of a large conourse of people and of the two houses of Congress, and in the midst of circumstances that were truly dramatic, the President of the Senate, Hon. T. W. Ferry, in the usual form declared the result of the election. He then dissolved the joint convention, and

the two houses separated and soon after adjourned to meet for legislation at 12 o'clock noon.

THE ELECTORAL COMMISSION.

This tribunal met in the room of the Supreme Court on Friday, March 2d, and after the settlement of some routine business, the salaries of reporters, clerks, and officers, adjourned *sine die*. Much has been said of this commission *pro and con*. It has had one of the most difficult, arduous, and delicate tasks to accomplish that was ever assigned to the judgment of men. But it has settled the controversy which menaced anarchy to the nation; and when the smoke of the contest has cleared away it is believed that its decisions will be accepted by all reasonable and fair-minded men as the only proper and legal conclusions which could have been reached, and its judgment will be honored in time to come as the only means of safety to the Republic in a time of imminent peril.

THE APPROPRIATION BILLS.

As noted above the regular appropriations have been kept far behind, not only from want of time and attention, but from various grave points of difference between the Senate and the House, such as the President's salary, the number of the standing army, the questions of internal improvement, and many others. The last two days of the session have found Congress under an unusual pressure, straining every nerve to complete the necessary legislation before its expiration. Frequent committees of conference have been raised, and every hour has been appropriated, even up to the last moment at 12 o'clock noon on Sunday, a necessity which many of the better portion of the people will regret. In the afternoon of Saturday the army bill was under consideration in the Senate. The legislative bill was in the hands of a second conference committee, the chief difference being the item of the President's salary. The navy, post office, and sundry civil service bills were in first conference. The river and harbor bill was yet in the hands of the appropriation committee. The Indian, West Point, deficiency, pension, consular and diplomatic, and fortification bills had all become laws. The postal

bill was hanging fire on the Pacific mail subsidy. Later the Senate receded from its demand, and the subsidy was stricken out. To work these bills through before the expiration of Congress was an exhausting task, especially with men who by so long a strain upon them were already worn out with fatigue. President Grant was in his room awaiting the bills for signature. So the night wore away. The struggle over the army bill was intense. No agreement could be effected. Slowly the two houses came to an agreement amid an indescribable confusion which transcended any other former closing of Congress known for many years.

THE CLOSING SCENES.

The Sabbath morning dawned upon the flags still floating above the Capitol. Men, tired and haggard, looking after some interest which engrossed them, still traversed the corridors and hung about the doors. In the Senate the business went on with comparative order and dispatch. In the House nearly three hundred members were at times struggling for the floor to make a speech or raise some point of order, and the gavel of the Speaker was in constant requisition. But one after another the bills were passed—all save the army bill, which, owing to the stubborn resistance of each house, was finally left behind, and will necessitate an early session of the new Congress. The closing moments at last arrived. Mr. Speaker Randall offered a few parting words, the gavel fell, and the House of Representatives of the Forty-fourth Congress was no more, and many will say they do not wish to see its like again.

In the Senate, President T. W. Ferry, who has so ably presided over that body since the death of Vice President Wilson, pronounced a brief and most appropriate address, and with feeling words, to which Senators without party distinction gave most cordial assent, announced the conclusion of the session of the Senate in the Congress which then expired.

In some respects this Congress has been without a parallel in the history of the country. Its course has been stormy from the beginning, and the echoes of the tumult yet resound.

EARLY'S RAID ON WASHINGTON.

A LEAF FROM HISTORY.

The beginning of July, 1864, found Grant with his powerful army of tried veterans in front of Petersburg, the key of the rebel capital. Daily he was tightening the grasp that was to end in the capture of the doomed city. In vain General Lee exerted his consummate skill to break the steel chain that the Federal army was drawing around him. The men that had swept from the Rapidan to the James river in the face of death and fought their way inch by inch to the very heart of the Confederacy, could not be turned aside from their purpose. They had come to take Richmond, and nothing but some unforeseen disaster could prevent them. The rebel commander, ever fruitful in resources, and desperate as a lion at bay, determined on a bold stroke to raise the siege and, if possible, escape from his indomitable adversary. He knew that Grant had drawn every available man from the defenses of Washington; that but a small force stood between Richmond and the Federal capital, and that a rapid movement up the valley of the Shenandoah would, in all probability, result in the capture of Washington, or the quick release of Grant's iron grasp upon the throat of the Confederacy.

The movement was planned in secret, and its execution was the first intimation of Lee's design. General Jubal Early was put in command of about twenty-five thousand men—the best in the rebel army. Breckinridge and Rhodes were among his corps commanders. On the 3d of July the rebel army had reached Martinsburg without encountering any opposition. Sigel, with his small command, beat a hasty retreat across the Potomac. Weber, at Harper's Ferry, heard of the advance just in time to withdraw his command from that point, and took up his position on the Maryland Heights opposite. Early had thus driven, without a shot, the slight obstacles from his path. The gates of the North were found open and unguarded, and the flushed enemy swept through them to achieve, what was thought at the time,

an easy victory ahead. Without any effort to prevent them they crossed the Potomac at Williamsport and Point of Rocks, and on the 6th of July had penetrated to Hagerstown. From this point strong detachments were sent out to occupy Frederick and neighboring towns, and to destroy the railroads and canals leading to Baltimore and Washington. Thus far the movement had been a grand success. The Federal authorities had been taken by surprise, and for the time being, it looked as if the superb strategy of Lee was to achieve all that he had hoped for.

General Grant, however, was not idle. As soon as he divined Lee's purpose he adopted measures to defeat it. It was a grand game on the chess board of war, and though Lee had the advantage of a move, Grant's masterly activity and sagacity won in the end. Never in his brilliant career did his genius show to better advantage. Quick as a flash his forces were in motion. Hardly had Early's columns left Richmond before Grant's troops were in motion to intercept them. It was, in reality, a race for the Federal capital; Early moving by land, Grant's forces by water.

General Lew Wallace, commanding the department of Annapolis, was quickly apprised of the rebel movement, and took measures to defeat it. He had about eight thousand men, the larger portion of which were one hundred days' men, and artillery men from the defenses of Baltimore. Rickett's division of the old sixth corps was the only tried fighting material under his command.

The best point of defense was thought to be on the Monocacy, near the railroad crossing. Here Wallace hoped to keep the enemy at bay until General Wright, with the remainder of the sixth corps and part of the nineteenth, could reach Washington.

Early knew the value of time. He knew that Grant was not asleep, and he felt that a single hour's delay might snatch from him the golden prize. He ran against the columns of Wallace, and without stopping to determine their strength, precipi-

tated his fighting force of 16,000 men against them. The contest was like to a fight between a full-grown man and a plucky boy. The boy stood his ground, fought like a hero, checked the progress of the man, and retreated from the field only when forced by unequal odds to do so.

Wallace fell back upon Baltimore, leaving the road to Washington open to the victorious enemy.

Early had been crippled by the desperate fight, and for the first time since leaving Richmond was checked in his rapid movements. But he took in the situation at a glance, and with almost superhuman efforts pushed on toward the defenseless capital. The battle of the Monocacy was fought on the 8th of July, yet by forced marches, Early's advance had reached Rockville on the morning of the 10th, and by the 11th his entire force was in front of the empty defenses of the Federal capital. The sixth and nineteenth corps had not yet arrived. A handful of old soldiers held Fort Stevens, at the head of the Seventh street road, while the rifle pits were poorly defended by raw recruits, and as many of the convalescents as the hospitals of the city could turn out for the emergency. Surely, nothing but an act of Providence could save the city; for, at the word of command, the men that had charged our blazing batteries at Malvern Hill and Gettysburg would rush over the weak defenses of Washington as easy as a column of flame over the dry grass of the prairie.

The writer of this sketch was in Washington on the 10th of July, 1864. News of Wallace's defeat had been received, and swift couriers had heralded the rapid approach of Early. The occupation of the city was hourly expected, and temporary defenses were erected at several points. The clerks of the several departments were formed into companies and regiments, and arms and uniforms hastily distributed among them. The most exposed public buildings were quickly barricaded, and at the head of Pennsylvania and New York avenues, near the Treasury Department, batteries of artillery were planted.

Sunday night, the 10th, the enemy was expected. It was known that their ad-

vance had reached Rockville in the morning, and a forced march would have brought them in front of the city before night. The streets and avenues were deserted. From the principal streets every vehicle and other obstructions had been removed, while thousands passed a sleepless night, expecting the enemy's entrance before morning. But they did not come, and the morning of the 11th dawned upon the capital—still safe, and upon the advance of the rebel army within gunshot of its defenses.

That Washington could have been captured on the night of the 10th and at any time before the evening of the 11th has been claimed by rebel authorities and generally conceded by the best informed of the Union army. Why was it not taken? Various reasons have been assigned, but the true one must be found in the subsequent admissions of Early himself. They clearly indicate that at the critical moment when orders had been given for an advance both Early and Rhodes were deceived into the belief that the re-enforcements sent by Grant had reached the city and were in strong position in their front.

As this portion of the history of the rebel movement upon Washington is but little known, we deem it proper to bring the rebel commander on the stand as a witness against himself. He had been severely blamed for his failure to grasp the prize which, for a whole day, lay within reach of his grasp, and to defend himself he was forced to explain why it was that he held his army in check at the very moment when its advance must have secured the Federal capital. In his report Early says:

"A short time after noon (July 11th,) riding some distance ahead of my infantry I got in sight of the fortifications of Washington, into which a force of the enemy's cavalry had retired before mine. The works were apparently feebly manned, though they appeared to be strong in themselves. My whole column was moving by the flank along the road from a necessity of the case, as the character of the country would not permit a movement in any other way, and the trains were interspersed in the column for protection. I sent word for the leading division (Rhodes') to be brought up as rapidly as possible, and for the other divisions except one to be left as a guard to the trains, to move out of the column to the

front. This was the work of time. General Rhodes was ordered to have his division brought into line as it came up and to move at once against the works. While his brigade was coming up he and I were in front examining the works, and before his first brigade could be formed into line we saw a cloud of dust from the direction of Washington and a column of infantry had filed into the trenches on the right and left and a regiment was sent to the front as skirmishers. We saw the men deploy with precision, and Rhodes remarked, 'they are not hundred days' men; they are old soldiers!'

This was the movement that deceived Early into the belief that a portion of Grant's army had arrived and that caused him to hesitate about throwing himself upon an unknown force. His hesitation was the salvation of the city, for not until after 3 o'clock in the afternoon did a soldier from either the sixth or nineteenth corps disembark at the wharf at Washington—nearly five miles from the scene of action.

The regiment—or rather the skeleton regiment, for it numbered less than four hundred men—that had advanced as skirmishers, and deployed with such precision as to deceive both Early and Rhodes, was the twenty-fifth New York, dismounted cavalry, under the command of Captain S. E. Chamberlain. It had been ordered to Camp Stoneman to be remounted, for it had seen active service, and by the casualties of battle had lost, not only in numbers, but in everything save courage and endurance. It left City Point on the 7th of July, arrived at Baltimore on the 8th, and Camp Stoneman on the 9th. It was destined to have no rest, for at midnight of the 10th it was ordered to move as quickly as possible into the defenses of Washington. At daybreak it had reached Fort Stevens, and during the morning it kept up an active exchange of shots with the advance posts of the rebel army. Early's sharpshooters had taken possession of the houses within rifle range of Fort Stevens, and to dislodge them and destroy the houses became a necessity. The work might well test the courage of the oldest veterans, but Captain (afterward Colonel) Chamberlain and his gallant men were equal to the occasion. At two o'clock he received the order

to advance as skirmishers. The men sprang into line as if about to go on parade instead of into the face of an army of fifteen thousand strong. To make the attempt with an army at their back to support them would have been gallant work, but to charge upon the rebel outposts with only a defenseless city to fall back upon, was an act of valor unsurpassed in the history of the war. Its very boldness deceived the enemy. The sixth corps was deemed invincible. Its presence on the field was equal to an additional corps. Early had heard of its detachment from Grant's forces; he had been advised of its approach, and when he saw this skeleton regiment deploying with precision under a severe fire, and sweeping his sharp-shooters from their hiding places, no wonder he was deceived into the belief that this was the van of an army that had come to the relief of Washington.

We have been permitted to examine the diary of Captain Chamberlain, and the entries made at the time tell the whole story. We append the record of four days.

July 10th, 1864. Received orders to move into the defenses of Washington. Marched from camp at midnight. Arrived at Fort Stevens on the morning of the 11th.

July 11th. Ordered out as skirmishers at 2 P. M. Rebs within rifle shot of Fort Stevens. Advanced and drove the enemy from houses. Sharp fighting. Burned several houses by order. Was relieved by the sixth corps. Loss, five killed and thirteen wounded. Maloney of my company killed.

July 12th. Went out on a skirmish line and relieved regiment of invalids. Exchanged shots with enemy until evening, when enemy advanced strong line of skirmishers. Sharp fighting by the sixth corps; enemy driven back.

July 13th. Rebs all left. Sixth and nineteenth corps in pursuit.

How well the statement of General Early confirms the belief that to the providential movement of the twenty-fifth New York cavalry, dismounted, we owe the preservation of the nation's capital on the 11th day of July. Early says he came in sight of the defenses "a short time after noon." He ordered the attacking columns to be brought up. He says: "This was the work of time." The work of preparation

must have taken at least an hour and a half, which would have made it near two o'clock when he and Rhodes saw a regiment advance on skirmish line, and with such precision as to force the latter to say : "They are not hundred days' men ; they are old soldiers."

The diary of the gallant Chamberlain says, "ordered out as skirmishers at 2 P. M." Here we have the secret of that unaccountable delay which gave us the few hours that were needed to bring to the front the sixth and nineteenth corps. The statement of Early and the diary of Chamberlain show conclusively that to the brave men who advanced in the face of the rebel army at two o'clock on the 11th day of July, belong the credit of saving the capital from rebel invasion. Without a knowledge of their own weakness, they stood in the breach at the very moment of supreme danger, and under Providence became the humble instruments of diverting a national calamity, the result of which might have changed the whole subsequent history of our struggle for national existence.

If the prompt obedience of a soldier at the critical moment ever saved an army or wrested victory from defeat, the prompt execution of the order to advance by Captain Chamberlain saved the capital, for if Early had known that this handful of men had nothing but empty or poorly-manned trenches behind them, he could have entered the city without firing a shot. Before he knew the truth the golden opportunity had been lost forever, for at sun-down the tramp of the old sixth corps resounded through the streets of Washington, and the morning of the 12th found the defenses of Washington once more impregnable.

The rest of the story is soon told. Early, chagrined at his failure, determined to make an attempt to force a passage into the city. He advanced in force, but was met by veterans who had faced him before on many a hard-fought field. The struggle was short, sharp, and decisive, and under cover of the night he withdrew his forces baffled and defeated. General Wright was placed in command of our forces and on the morning of the 13th began a hot pursuit of the rebel army. He struck the

rear guard of Early at Snicker's Ferry, on the Shenandoah. A sharp battle was fought and the enemy was again worsted. Our cavalry, under Averill, caught a portion of the rebel army at Winchester and captured four guns and five hundred prisoners ; but our forces were too weak to follow Early down the valley, and not until Sheridan was placed in command and our army re-enforced, did we succeed in driving Early out of the valley of the Shenandoah. From its rich grain fields he had been drawing supplies for Lee's army, and he was loth to leave. He contested the ground with desperate energy and consummate skill, and not until Sheridan's brilliant victory at Cedar Creek had taught him that he was dealing with a master hand, did he relinquish his idea of another and more successful move upon the nation's capital. How far the galling recollection of his lost opportunity went to spur him on to another effort will never be known. That it must have remained a thorn in his memory is shown by his subsequent statements justifying his action by claiming that he was governed by those prudential motives which should actuate a commander when far removed from his base of operations.

On the old battle-field in front of Fort Stevens is a national cemetery in which lie buried the brave men who fell in defense of the capital. The few head-boards bearing the inscription "killed July 11th" mark the graves of the gallant fellows who stood in the track of a victorious army, and, by their valor, held it in check until the long expected relief arrived. They died without a knowledge of the priceless value of the services rendered, and although their sacrifices were no greater than those who fell on the 12th, a grateful nation should inscribe their names upon granite that posterity might know the men who plucked the precious hours from the grasp of time and held them until the moment of supreme danger was passed.

The gallant officer who led this forlorn hope still lives to enjoy the fruits of his heroic service. For bravery in the field he rose to the rank of Colonel, and until the close of the war rounded out on other

fields the fame he earned in the defense of Washington. Marrying into a Quaker family, well-known throughout Loudon county for their loyalty during the war, the Colonel resigned from the regular army, into which he had been commissioned, and devoted his time and energies to the more peaceful and congenial pursuits of civil life. Though a Vermonter by birth he has made Virginia his home, and if the better qual-

ties of manhood combined with a chivalric love for the Republican party can find their proper appreciation in the Old Dominion, he is sure to take rank among her most honored citizens. Modest, brave, upright, he is a good type of the American gentleman—distinguished alike in peace or war for his high sense of honor and his ready response to the call of duty.

EDUCATION IN VIRGINIA.

If it were possible to photograph the minds of Southern Democrats as Shakespeare caught folly in his time, and drew it at full length for the world's instruction, the blindest and most chaotic confusion would be the subject of representation. Virginia, the Old Dominion, the Mother of Presidents, the slave-breeding State, which, when under Republican rule, had a school fund, but of which the Democracy robbed it when it passed under Democratic control—the State which feels disposed to repudiate its public debt and has already defaulted in its payment of the interest—Virginia, Democratic and disloyal, synonymous words everywhere in the South, is in the throes of something concerning the education of its youth. Slavery, with the rebellion of the Democratic party in the old slave States, has managed to exhibit human nature in the worst phase of its depravity. And, indeed, the influence and operation of those two crimes upon the human mind seem to obliterate every sense of manhood in the parties interested, who evidently take delight in kicking away every instrumentality that might improve them, in order that they may revel unrestrained in ignorance and pronounce aloud their refusal to be better informed.

Education in the South has never reached a very high standard. On the one side, the owner of slaves did not wish to take more trouble than he could help to become scholarly, so he stopped short at a considerable distance from the temple of knowledge. On the other, the densest ignorance on the part of the slave was the favored condition selected for him by his master,

who, when he could sell him with the certainty that he could not read and could guarantee that he had not an idea in his head, took his money with ecstasy, and thanked God that the soul of that black man ought to have burst with gratitude for the training it had received in Southern Christianity. No slaves are alleged to be in Virginia now, as the freedmen are citizens, whatever may be the conduct of Democrats. But there are colored and white children growing up into man and womanhood who must be educated, and the trouble is, what books shall be used? Alas, the old leaven has crept in. Surviving rebel Democrats want the rebellion spoken well of in the lessons of children in such schools as are not shut. They want the young mind taught that the rebellion was not wrong; that the attempted destruction of the Union was no crime; that hatred of the Old Flag and contempt of the National Government should be cherished as a duty, and that a high-spirited Southern citizen should always call the citizens of the North, East and West, Yankees, because they love work and are industrious, and because they know the epithet is offensive. Southern books of history only are suitable for Southern schools, never mind the truth or the facts, which are sometimes inconvenient, and when so, should always be concealed. Such military chieftains as Robt. E. Lee and Mosby, Stonewall Jackson and Major General Bishop Polk were Southern Napoleons, who never lost a battle, if they did not always win, because they cut up the Yankees, hip and thigh; while Generals Grant and Sherman and

the Union military commanders would stand looking at the retreating forms of the warm-hearted chivalry as they hastily left the battle-fields and did not know how much they were despised, as they ought to have done. The impudence of the Yankee soldiers was intolerable. They belonged to every class and trade under the sun, and left their respective vocations to save the country. They would have been slaves in the South, for they actually loved labor, and said they kept their families in comfort and respectability by it, which showed at once the evils of freedom and the superior civilization of the South. And then the horrid and blasphemous blunders of the Yankees must be proved in the books used in schools. The South was not beaten; oh, no! The rebellion was not put down; the South wouldn't have slaves if it could, although the "nigger" was once a slave and has no right to wages when he works for white men, who would be degraded by labor, and slavery is the rightful position of the inferior race. A convulsion must have occurred in April, 1865, on Southern soil, which made it more sacred and more endeared to us. The South, which had not been used to industry, grew tired of the war, stacked arms and went home to live in doubt of what would come next. But when it learned that the Republican party passed amnesty laws, of which the most chivalrous Southerner took advantage, every rebel Democrat could afford to laugh at the Yankee North when it talked of putting down the rebellion and resolve to carry it on at their leisure. The rebellion triumphed. The South beat the Yankee North at their own game. The weakness of the Republican party was appalling, and the war was a failure.

Away with the Yankee trash of the history of the United States from Virginia schools! Away with all the false histories that say the Union and its cause succeeded. The South has its own views of the Union and its value, and will please itself in spite of the North, and the vast public debt the rebellion cost, and the enormous bloodshed of the struggle. "Goodrich's Pictorial History of the United States" may do

very well in Yankee schools; but for the youth of Virginia, never! So, at least, says the Rev. Dr. W. H. Ruffner, as will be seen by the following letter:

RICHMOND, TUESDAY NIGHT,
January 16, 1877.

To the Editor of The State:

DEAR SIR: I am acquainted with the school history you object to in your paper of this afternoon, and with you consider it, as well as Northern histories of the United States generally, as unfit for use in Virginia public schools. Only Virginia-written histories are allowed by the regulations of the Board of Education. Unfortunately this board, although required by law to provide for uniformity of textbooks, does not possess power sufficient to enforce its regulations in the face of resolute opposition on the part of the local authorities. But as respects this "Goodrich's History," I have no knowledge of its being used in even one single public school in the State, although I do not affirm that it is not. It was used in some of the Richmond public schools when the city system came under State control, in 1871, but I strenuously objected to it at that time and thought that its use was entirely discontinued. The City Superintendent of Schools tells me now that he does not know of any case in which it is used in the city schools.

It has been objected also that "Swinton's History of the United States" is used in some of our public schools. I can only say that it is done contrary to the regulations of the State Board.

Very respectfully,

W. H. RUFFNER,
Superintendent Public Schools.

Mark!—Only Virginia-written histories are allowed in Virginia by the regulation of the Board of Education. Only histories which represent the cause of the rebellion as holy, and every battle a rebel conquest over freedom and its cause—over Yankee mudsills! In such case, the rebellion, indeed, has not ended. Let the country note the present training of the Southern youth now growing up to manhood. The rising generation are taught to venerate the crimes and falsehoods of their Democratic rebel fathers, pardoned by the unheard-of weakness of the Republican party, and are trained under the very eyes of that party to vindicate them and the most Godless and bloodiest rebellion in which the hand of man was ever engaged.

MR. FIELD BEFORE THE COMMISSION.

Putting aside the question of the propriety of raising a commission to decide whether Mr. Hayes or Mr. Tilden has been elected President of the United States for four years from the 4th of March, 1877, it may be said that its action thus far (February 10th) has been wisely controlled. But the action of the Democratic counsel, or counsel for Mr. Tilden, has been just the reverse. The awkwardness of the position of Mr. David Dudley Field has been felt most acutely by his friends. He was Mr. Tweed's counsel, eminent in the law; he was concerned in some kind of international arbitration scheme which would transfer the battle-field to a court, and change the sword for the fluent tongue of a lawyer with all the happy plausibility of a Chinese gong. Suddenly the face of Mr. D. D. Field vanished from the courts of New York, where he was gathering money swiftly; but as suddenly it appeared in the Capitol at Washington, where his earnings would be limited, however great his labors. One might imagine that an ambitious man would have made political capital out of the position. But Mr. Field was not satisfied with politics. He had not scope and verge enough. He came with a "single eye" to duty; such an eye as Fernando Wood claimed to have in his employ, but which conferred no honor on him under any circumstances. Mr. Field's single eye soon wandered from political generalities, though faithful to Democratic doctrine and interests, and a seat having been provided for its owner in Proctor Knott's Committee on Privileges and Elections, it settled itself firmly on Mr. Tilden's countenance, from which it took its cue. The grim visage of Mr. David Dudley Field, with his eye vacant to all sublunary things, but resting in the direction of the defeated Democratic candidate for the Presidency, soon extinguished Proctor Knott, and the disappearance of that gentleman by reason of his extinction, induced the *New York Times* to remark with subdued jocularity that Mr. Field had become the committee

itself, and that his single eye resting on a witness, either coached a Democrat to lie lovingly against Republicans, or caused instant annihilation to a Republican who was capable of testifying ugly facts—facts of foul assassination, perjury, and fraud against Democrats who had sold themselves to Mr. Tilden.

Strange surmises every now and then float in the air. What could induce a lawyer like Mr. David Dudley Field, in large practice before the courts, with a large income derived therefrom, suddenly to leave his clients and sit as a substitute for a member of the House of Representatives at the fag end of the last session of an expiring Congress? Mr. Field could not have been moved by a love of fame, for the fame of having been Tweed's chief counsel will never leave him, although some persons call it infamous. Then again, the pay of a Congressman was infinitely less than that he received as a lawyer. Was it friendship? Friendship for Mr. Tilden, who was defeated, that he might help the Democratic party to defeat the people who elected Mr. Hayes? Mr. Tilden would hardly call upon Mr. David Dudley Field, even for friendship's sake, to help him in such a case, at so great a pecuniary sacrifice. It is good, solid doctrine that the laborer is worthy of his hire. And if the mist could be penetrated, and the truth laid bare, it might be seen that the "single eye" of Mr. Field is fixed distinctly on that "bar'l" of money owned by Mr. Tilden, which has so debauched and bedeviled the Democrats, but to a share of which Mr. Field's extraordinary labors may possibly entitle him.

Now, Mr. Field's legal ability is unquestioned. But if his advent in the House threw the Democratic intellect into a state of gross fermentation, what shall be said of the consternation of the commission as it beheld this doughty champion of Mr. Tilden stalk into court? There he was with his eye peeled and ready to fix itself, with the tenacity of a leech, on any political atrocity that would remove "defeat" from

the name of Mr. Tilden, as the Democratic friends of a "deserter in the presence of the enemy" labor to have "deserted" erased from his name on the rolls of the Federal army. The commission was indeed moved. Its members had heard of his appeals on behalf of Mr. Tilden—grand, impulsive, melting! If he did not call Jove to his aid, he spoke of the virtues of the Democratic party and the love of the gentle Democratic rebel to Southern Republicans, who were only asked to vote the Democratic ticket, or be shot if they didn't; or the sly trick of the gentle, rebel Democratic bulldozer, full of fun, who cast whole handfuls of Democratic ballots in the box, and swore that they had been voted by Republicans, who dearly loved Mr. Tilden! He held up the Democratic truth of violence and murder, with all the evidence of death produced, and asked the world to disbelieve it, and look on Mr. Tilden, whom the country had defeated because the people did not want him—and would not trust him! Then with that sparkling eye and glib tongue, Mr. Field appealed to the national honor in favor of Mr. Tilden's cause, but he did not say that both Mr. Tilden and his cause have dishonored the American name, which the people felt, and felt, too, the strongest determination to prevent the Democratic party from profiting by its wrongs and crimes!

The great commission then was startled when Mr. Field appeared with his eye "single" and fixed in the direction of Mr. Tilden, as his legal help. The subject was the Democratic rascality in Florida, in the perpetration of which certain Democrats said they were Democratic electors, and cast their vote for Mr. Tilden. They might as well have said that they were Dragons of Wantley, who had been engaged to perform a farce for the benefit of a stuffed alligator, as the decision of the commission has since shown. But they were Democrats, and that was enough for Mr. Field. He was ready to wrestle against the Republican case, and rose to his feet with an objection which he was about to launch at the commission. But the presiding justice interposed with a queer inquiry, involving whether he appeared as counsel in the

Democratic case or as a member of Congress. Mr. Field did not appear as counsel, so he said. But that he should be called upon to define his position must have arisen from his superserviceable performances, which smacked more of the paid advocate for Mr. Tilden, with a single eye to a monster fee, rather than of the modest labor of a member of Congress serving his country for his country's good, at a small compensation. Why, the compensation would hardly pay for the services of his head clerk in watching the interests of Mr. Field's clients, who expected the work of the master himself to be given instead of that of an underling, who simply stopped a gap to enable his master to lose money after the manner of patriots. There is a mystery about it, however, to be unraveled. Looking straight into the eye of Mr. Tweed, who has not yet made restitution, and then at the single eye of Mr. Field, anybody may say that he is not the man to lose money when money is to be made.

THERE are some sixty-four thousand book agents in the United States, of whom nearly one thousand committed suicide last year—failed to learn a trade, and forced at a later period to labor and suffer for a miserable pittance. The percentage of mortality among the traveling insurance, sewing machine, and lightning rod agents is even greater. This is the result of a natural law. Five-sixths of these men should have been mechanics or cultivators of the soil.

DESPITE the severity with which the depression in trade has been felt in Canada, the finances are in a satisfactory condition. This results from judicious economy, the Government expenses, including the debt interest, being about one-fourth less than the annual disbursements of our civic Treasury. With this light taxation, the Dominion needs only a wider market to attain greater prosperity.

A GREAT FALL FOR DEMOCRACY.—Shades of Webster! To what base uses has Democracy returned when it falls back upon Fernando Wood as the great expounder of the Constitution!

SPECIE RESUMPTION.

MESSAGE OF PRESIDENT GRANT.

On Saturday, February 3d, the following message from the President was received and read in the House of Representatives:

To the Senate and House of Representatives:

By the act of Congress approved January 14, 1875, "to provide for the resumption of specie payments," the 1st of January, 1879, is fixed as the date when such resumption is to begin. It may not be desirable to fix an earlier date when it shall actually become obligatory upon the Government to redeem its outstanding legal-tender notes in coin on presentation, but it is certainly most desirable and will prove most beneficial to every pecuniary interest of the country to hasten the day when the paper circulation of the country and the gold coin shall have equal values.

At a later day if currency and coin should retain equal values it might become advisable to authorize or direct resumption. I believe the time has come when by a simple act of the legislative branch of the Government this most desirable result can be attained. I am strengthened in this view by the course trade has taken in the last two years, and by the strength of the credit of the United States at home and abroad.

For the fiscal year ending June 30, 1876, the exports of the United States exceeded the imports by \$120,213,102; but our exports include \$40,569,621 of specie and bullion in excess of imports of the same commodities. For the six months of the present fiscal year, from July 1, 1876, to January 1, 1877, the excess of exports over imports amounted to \$107,544,869, and the import of specie and bullion exceeded the export of the precious metals by \$6,192,147 in the same time. The actual excess of exports over imports for the six months, exclusive of specie and bullion, amounted to \$113,737.040, showing for the time being the accumulation of specie and bullion in the country amounting to more than \$6,000,000 in addition to the national product of these metals for the same period, a total increase of gold and silver for the six months not far short of \$60,000,000. It is very evident that unless this great increase of the precious metals can be utilized at home in such a way as to make it in some manner remunerative to the holders, it must seek a foreign market as surely as would any other product of the soil or the manufactory. Any legislation which will keep coin and bullion at home will, in my judg-

ment, soon bring about practical resumption and will add the coin of the country to the circulating medium, thus securing a healthy "inflation" of a sound currency to the great advantage of every legitimate business interest.

The act to provide for the resumption of specie payments authorizes the Secretary of the Treasury to issue bonds of either of the descriptions named in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," for not less than par in gold. With the present value of the 4 $\frac{1}{2}$ per cent. bonds in the markets of the world, they could be exchanged at par for gold, thus strengthening the Treasury to meet final resumption and to keep the excess of coin over demand, pending its permanent use as a circulating medium, at home. All that would be further required would be to reduce the volume of legal-tender notes in circulation. To accomplish this I would suggest an act authorizing the Secretary of the Treasury to issue 4 per cent. bonds, with forty years to run before maturity, to be exchanged for legal-tender notes whenever presented in sums of \$50, or any multiple thereof, the whole amount of such bonds, however, not to exceed \$150,000,000. To increase the home demand for such bonds I would recommend that they be available for deposit in the United States Treasury for banking purposes under the various provisions of law relating to national banks.

I would suggest further, that national banks be required to retain a certain percentage of the coin interest received by them from the bonds deposited with the Treasury to secure their circulation.

I would also recommend the repeal of the third section of the joint resolution "for the issue of silver coin," approved July 22, 1876, limiting the subsidiary coin and fractional currency to \$50,000,000.

I am satisfied that if Congress will enact some such law as will accomplish the end suggested, they will give a relief to the country instant in its effects, and for which they will receive the gratitude of the whole people.

U. S. GRANT.

EXECUTIVE MANSION, Feb. 3, 1877.

SENATOR SARGENT made a powerful speech against the electoral bill, and placed himself in the ranks of the defenders of the Constitution.

RUSSIA.

REGULATIONS RELATIVE TO PAYMENT IN GOLD OF CUSTOMS DUTIES.

[Translated from the "Official Gazette," November 25, (13), 1876. No. 254.]

The Committee on Finance, in their official journal, publish the following regulations, approved by his Imperial Majesty on the 10th day of November, 1876, based on the report of the Minister of Finance :

1. From and after January 1st, 1877, customs duties will be payable in gold coin.

NOTE.—In sales of merchandise at auction by the customs authorities the amount of commission to be paid will be computed at gold rates.

2. It is left to the discretion of the Minister of Finance to permit such of the customs offices as he may deem expedient to receive, besides the Russian gold coin, the following representatives of value :

a. Coupons of the current and of the last preceding term, pertaining to the notes of the Russian "metallique" State loan; to the 4 per cent. metal notes of the Imperial Bank; to the bonds of the Nicolai railroad, and to the consolidated bonds of Russian railroads.

b. Such notes and bonds of the above description as have been drawn for redemption.

c. Foreign gold coins, and

d. Foreign bank notes redeemable in gold.

Regulations approved by the Minister of Finance will be published, relative to the acceptance of such representatives of value, with instructions as to what foreign coins and what foreign bank notes may be received, and at what rates they are receivable.

3. The Imperial Bank will receive from the public all of the representatives of value enumerated in Art. 2, as well as the following :

a. Gold in bars.

b. Gold orders of the administrators of the mines.

c. Gold drafts on foreign countries.

Said bank will issue in place of such securities certificates of deposit for amounts computed in "Half Imperials."

These certificates will be received in payment at their nominal value, by the customs authorities and by private parties, after mutual agreement.

The Imperial Bank will pay on sight the nominal value of these certificates in "Half Imperials."

The Minister of Finance will prescribe the form and the value of said certificates, and will issue to the Imperial Bank all instructions required for carrying these regulations into operation.

4. Customs duties payable in metallic money not exceeding in amount 5 roubles and 15 copecks, may be paid in silver roubles at their nominal value. Credit-rouble notes, however, can only be accepted for such payments, if paid in double the amount.

NOTE.—Duties payable in coin and not exceeding in amount 100 roubles may, as a temporary exception up to January 1, 1878, be paid in credit notes, under the condition, however, that in such case payment is to be made in double the amount.

5. For the copecks left over, (up to a rouble,) any Russian silver coins, subsidiary coins not excepted, will be received at their nominal value; and in payments less than 20 copecks, Russian copper coins, also at their nominal value.

6. Customs duties which remain unpaid on the 1st of January, 1877, will be paid at the gold valuation.

7. Securities deposited at customs offices previous to the publication of these regulations can be redeemed as heretofore, viz : for credit notes. In all other cases, such deposits made or remaining with the customs officers after January 1, 1877, can only be redeemed for gold.

8. The acceptance of securities, in interest-bearing paper and bonds, for the

payment of customs duties, will take place as heretofore, but at new rates of value, to be fixed by the Minister of Finance.

9. The Minister of Finance and the Comptroller of the Empire together regulate such changes in the rendering of the customs accounts as the introduction of the payment in gold of customs duties necessitates.

10. Such doubts as may arise as to the

execution of the details of the above regulations will be decided by the Minister of Finance.

TRANSLATOR'S NOTE.—A "Half Imperial" is a Russian gold coin containing 5.9987 grammes of fine metal, and consequently is of very nearly the intrinsic value of *four* dollars in the gold coin of the United States. It is reckoned at 5 roubles, gold; or 5 roubles, 15 copecks, silver.

ANNUAL REPORT OF THE LIBRARIAN OF CONGRESS

FOR THE YEAR 1876.

The counting of the books, just completed, shows an aggregate of 311,097 volumes of bound books, together with about 100,000 pamphlets. The last enumeration, January 1, 1876, showed a total of 293,507 volumes. The books added during the year thus amount to 17,590 volumes, besides 8,636 pamphlets.

The additions to the Library have been—

	Books.	Pamphlets.
By purchase.....	6,496	745
By copyright.....	8,020	5,200
By deposit of the Smithsonian Institution.....	1,417	1,878
By donation, (including State documents).....	1,828	345
By exchanges.....	830	373
Total.....	17,590	8,636

To this are to be added maps and charts acquired during the year to the number of 2,445.

The acquisitions to the Library by purchase during the last year, though not so large numerically as in some previous ones, have been more than usually important.

The business of the copyright department during the year shows a considerable increase of entries, notwithstanding the depressed condition of the book-publishing trade and connected interests. The whole number of entries of copyrights for the twelve months of 1876 was 14,882 against 14,197 for the preceding calendar year. The cash receipts paid into the Treasury amounted to \$12,500.50, while for the year preceding the aggregate was \$11,780.50, showing an increase in fees of \$720. It was anticipated, when the transfer of all

prints and labels used in connection with manufactured articles was made from the copyright office to that of the Commissioner of Patents, that there would be a large and permanent decrease in the number of copyright entries. But the result during the past year as well as in that preceding indicates that the general increase in the entry of articles that are still legitimate subjects of copyright is such as, taken in connection with the growth of the country, will keep this department fully up to its present average of business.

Under the law which requires the deposit in the Library of two copies of each book or other publication protected by copyright, the following articles have been received in 1876, under each designation of copyright matter:

Books	8,020
Periodicals	7,027
Musical compositions	5,767
Dramatic compositions	262
Photographs	1,347
Engravings and chromos	1,488
Maps, charts and drawings	2,070
Prints	224

Total..... 26,200

As two copies of each publication are deposited, it will be seen that the net additions to the collections have amounted to 13,100 articles, 4,010 of which are books.

The materials for the new general catalogue of the Library, referred to in my last report, have been completed during the year, and all the titles, exceeding 260,000 in number, are ready for the press. But no appropriation has been made for the expense of printing; the small sum devoted

to the printing and binding of the Library at the last session of Congress being hardly adequate to the necessities for the binding of books and the necessary blanks and records for the copyright department. The importance of making early provision for publishing this new general catalogue, which will represent the entire contents of the Library up to date, is earnestly commended to the attention of the committee and of Congress.

The preparation of the complete index to the documents, debates, and laws of Congress has very considerably advanced during the past year. The whole number of reference-titles already written amounts to an aggregate of forty thousand.

Since my last report, the publication of the first volume of original historical documents relating to the French discoveries and explorations in the northwestern portion of the United States and on the Mississippi has taken place. The whole work will be embraced in six octavo volumes, with an atlas of maps in quarto, and will cover a vast collection of letters, official papers, and other documents, in the original French, relating to the discoveries and settlements under Cavelier de la Salle and other explorers in territory now belonging to the United States, from A. D. 1614 to 1752. The edition of these historical volumes being small, (only five hundred copies,) it is recommended that, instead of a gratuitous distribution, the Librarian be authorized to exchange copies of the work with historical societies and other libraries for any books deemed equivalent in value, to enrich the collection of Congress.

The question of most pressing importance connected with the interests of the Library of Congress, which has become, by liberal legislation and extensive growth, the library of the nation, is the provision of a suitable building to contain its rapidly accumulating stores. In four previous reports, the undersigned has pressed this subject upon the attention of the committee in all its phases, and no repetition is here necessary of the cogent reasons, becoming continually more pressing, for prompt action in supplying so manifest a public necessity. In a report made by the Chair-

man of the Joint Committee on the Library, June 8, 1876, (Senate Report No. 387, 1st session, 44th Congress,) a succinct statement may be found of the reasons which impelled the committee to recommend a bill for the construction of a new fire-proof building for the Library. The bill accompanying that report (S. 910) proposed to appropriate the sum of \$150,000 "for preparing the ground, laying the foundation, and commencing the construction of a new fire-proof building for the use of the Library of the United States."* The site proposed in the bill was the public reservation lying on the west side of the Capitol, now occupied by the Botanic Garden. A subsequent examination of the ground, however, developed weighty objections to the location proposed; and, in the curtailment of all appropriations which governed the action of Congress at the last session, no step was taken toward providing for the wants of its overcrowded Library.

The whole subject is again earnestly commended to the early attention of the committee, with the single remark that the injury to the books, bound newspapers, and objects of art which are piled up unprovided with shelves or room, is constantly increasing with every addition, while the difficulties and embarrassments attending the administration of the Library and the large copyright business of the country within such narrow quarters are such as would not be tolerated for a single season in any first-class businesshouse in any city of the country. The undersigned cannot doubt that the committee will agree with him in the belief that the people of the country stand ready to sanction any wise expenditure necessary to protect and preserve these great collections of a nation's literature and art, which are intrusted to the immediate care and responsibility of the representatives of the people.

A. R. SPOFFORD,
Librarian of Congress.

* The fair capacity of the present rooms is 240,000 volumes. Over 311,000 are already in the Library.

TRUE statesmanship is needed more today than at any other period during the history of the Republic.

BONDED SECURITIES OF THE UNITED STATES.

PREPARED BY E. B. ELLIOTT, OF THE TREASURY DEPARTMENT.

The following is a statement with respect to the several classes of bonded securities of the United States, of their average values respectively in the New York market, and also with the calculated rates of interest realized to investors, for the months of October, November, and December, 1876:

CLASSES OF SECURITIES.	PRICES, EXCLUDING ACCRUED INTEREST, REDUCED TO GOLD VALUE.			
	Average for month of			Three months ended December.
	October.	November.	December.	
Ten-forties of 1904, M. & S., 5 p. c.....	104.22	103.63	103.46	103.78
Sixes of 1881, J. & J., 6 p. c.....	105.60	105.10	105.74	105.48
Five-twentieths of 1865, (old,) M. & N., 6 p. c.....	100.06	100.13	100.66	100.28
Five-twentieths of 1865, (new,) J. & J., 6 p. c.....	100.82	100.76	101.86	101.14
Five-twentieths of 1867, J. & J., 6 p. c.....	103.48	103.46	104.57	103.83
Five-twentieths of 1868, J. & J., 6 p. c.....	104.57	104.38	105.57	104.94
New Fives of 1881, F. M. A. & N., 5 p. c.....	103.14	102.60	102.78	102.84
Funded Loan of 1891, M. J. S. & D., 4½ p. c.....			*100.82	
Currency Sixes, J. & J., 6 p. c. (currency prices).....	121.82	121.25	121.01	121.36
Average currency price of gold.....	109.63	109.69	107.77	109.06
Average gold price of currency.....	91.18	91.16	92.80	91.71

CLASSES OF SECURITIES.	Assumed Periods to Payment.	CALCULATED RATE OF INTEREST REALIZED TO INVESTORS.			
		Average for month of			Three months ended December.
		October.	November.	December.	
	Years.	Per cent.	Per cent.	Per cent.	Per ct.
Ten-forties of 1904, M. & S., 5 p. c.....	28	4.73	4.76	4.78	4.75
" " "	20	4.67	4.71	4.73	4.70
" " "	10	4.47	4.54	4.56	4.52
" " "	5	4.06	4.18	4.23	4.15
Sixes of 1881, J. & J., 6 p. c.....	5	4.73	4.84	4.70	4.76
Five-twentieths of 1865, (O.) M. & N., 6 p. c.....	4	4.46	4.59	4.42	4.49
" " "	9	5.99	5.98	5.91	5.98
" " "	3	5.98	5.95	5.74	5.89
" " "	2	5.87	5.93	5.65	5.85
" " "	1	5.94	5.86	5.32	5.71
Five-twentieths of 1865, (N.) J. & J., 6 p. c.....	9	5.88	5.89	5.73	5.83
" " "	3	5.70	5.72	5.32	5.58
" " "	2	5.56	5.59	5.01	5.38
" " "	1	5.15	5.21	4.09	4.82
Five-twentieths of 1867, J. & J., 6 p. c.....	11	5.57	5.57	5.45	5.53
" " "	5	5.20	5.20	4.96	5.12
" " "	4	5.03	5.04	4.73	4.93
Five-twentieths of 1868, J. & J., 6 p. c.....	12	5.48	5.49	5.33	5.43
" " "	6	5.11	5.14	4.86	5.03
" " "	5	4.96	5.00	4.67	4.87
" " "	4	4.73	4.79	4.38	4.63
New Fives of 1881, F. M. A. & N., 5 p. c.....	5	4.29	4.41	4.37	4.36
" " "	10	4.60	4.67	4.65	4.64
" " "	20	4.75	4.79	4.78	4.77
Funded Loan of 1891, M. J. S. & D., 4½ p. c.....	Perpetuity	4.84	4.87	4.87	4.86
" " "	15			*4.43	
" " "	20			*4.44	
Currency Sixes, J. & J., 6 p. c.....	Perpetuity			*4.46	
Assuming non-resumption specie payments.....	21	4.40	4.43	4.45	4.43
Assuming resumption January 1, 1879.....	21	5.08	5.11	5.00	5.06

* From quotations for six days ended December 30th only.

For example, it will be seen from the above table that the prices of the five per cent. securities known as the "Ten-for-

ties,"—as being redeemable after ten years and payable after forty years from the date of issue, (1864)—averaged for the last

three months of 1876, when reduced to a gold value, and accrued interest excluded, \$103.78 on every \$100 of face value; also, that the indicated annual rate of interest realized to investors was, if ten years be assumed as the probable period which the securities will remain outstanding before being called in for redemption, $4\frac{1}{2}$ (more exactly 4.52) per cent. Assuming five years, ten years, and twenty-eight years respectively to payment, will give as the annual rates of interest to be realized 4.15, 4.70, and 4.75 per cent.

The realized rate of interest indicated by the prices of the "Sixes of 1881," known as the "long sixes," (interest payable in January and July.) taking four years as the period to elapse before payment, is also $4\frac{1}{2}$ (4.49) per cent.

The price of the "New Fives," those lately placed upon the market, indicates the realized rate to be, on the assumption of a probable ten-year period to payment, $4\frac{1}{2}$ (more exactly 4.64) per cent.

The price at which the $4\frac{1}{2}$ per cent. securities which are now being placed on the market are quoted, indicates a rate of interest to be realized of about 4.44 per cent.

The prices of "Currency Sixes," having twenty-one years to payment, indicate a rate of interest realized to investors ranging from 4.43 to 5.06 per cent.; the former on the assumption that the currency price of gold continues indefinitely at the existing current rate, and the latter on the assumption that the prices of gold and greenbacks will reach permanent equality from and after January 1, 1879—two years from now.

The $4\frac{1}{2}$ and 5 per cents. and the Sixes of 1881, judging from the computed rates of interest realized to investors, are the most popular of the Government securities. The 5-20's of 1867 and 1868 come next in order; the Currency Sixes next; and the 5-20's of 1865 last in the order of popularity.

IMPORTS AND EXPORTS DURING THE CALENDAR YEARS 1875 AND 1876 COMPARED.

The following corrected statement, showing the value of merchandise and of specie and bullion imported and exported the calendar year 1876, compared with like data for the year 1875, is furnished by the Chief of the Bureau of Statistics:

[ALL SPECIE VALUES.]

	Imports.	Domestic Exports.	Foreign Exports.
MERCHANDISE.			
Twelve months ended—			
December 31, 1876.....	\$426,612,706	\$575,698,040	\$14,923,743
December 31, 1875.....	503,152,936	497,263,737	13,683,685
SPECIE AND BULLION.			
Twelve months ended—			
December 31, 1876.....	34,479,397	47,973,752	8,380,713
December 31, 1875.....	22,896,148	70,108,852	9,194,662
TOTAL—MERCHANDISE, AND SPECIE AND BULLION.			
Twelve months ended—			
December 31, 1876.....	461,092,103	623,671,792	23,304,456
December 31, 1875.....	526,049,084	567,372,589	22,878,347

VALUES IN UNITED STATES MONEY OF STANDARD COINS OF FOREIGN COUNTRIES.

The first section of the act of March 3, 1873, Statutes at Large, volume 17, page 602, reproduced in section 364 of the Revised Statutes, provides "that the value of foreign coin, as expressed in the money of account of the United States, shall be that of the pure metal of such coin of standard value," and that on the first day of January of each year by the Secretary of the Treasury, "the estimate of values contained in the following table has been made by the Director of the Mint, and is hereby proclaimed in compliance with the above-stated provisions of law:

Country	Monetary unit.	Standard.	Value in U. S. money.	Standard coin.
Austria.....		Silver.....	\$.463	Floin.
Bulgaria.....	Floin.....	Gold and silver.....	.163	Florin, ½, 10, and 20 francs.
Bolivia.....	Floin.....	Gold and silver.....	.865	Escudo, ½ bolivar and bolivar.
Brazil.....	Dollar of 1,000 reis.....	Gold.....	.343	
British Possessions in North America.....	Dollar.....	Gold.....	1.00	
Bogota.....	Peso.....	Gold.....	.965	
Central America.....	Dollar.....	Gold.....	.965	Dollar.
Chili.....	Peso.....	Silver.....	.918	Condor, doultoon, and escudo.
Denmark.....	Crown.....	Gold.....	.912	
Ecuador.....	Dollar.....	Gold.....	.265	10 and 20 crowns.
Egypt.....	Pound of 100 piasters.....	Gold.....	.918	Dollar.
France.....	Franc.....	Gold and silver.....	4.974	6, 10, 25, and 50 piasters.
Greece.....	Pound sterling.....	Gold.....	14.3	6, 10, and 20 francs.
Great Britain.....	Drachma.....	Gold and silver.....	4.863	¾ sovereign and sovereign.
Germany, Empire.....	Mark.....	Gold.....	14.3	6, 10, 20, 50, and 100 drachmas.
Japan.....	Yen.....	Gold.....	12.8	6, 10, and 20 marks.
India.....	Rupee of 16 annas.....	Silver.....	.907	1, 2, 5, 10, and 20 yen.
Italy.....	Lira.....	Gold and silver.....	.43.6	
Liberia.....	Dollar.....	Gold.....	.18.3	5, 10, 20, 50, and 100 lire.
Mexico.....	Dollar.....	Silver.....	1.00	
Netherlands.....	Florin.....	Gold and silver.....	.99.8	Peso or dollar, 5, 10, 25, and 50 centavos.
Norway.....	Crown.....	Gold.....	.38.5	Florin; ten guildens, gold, (\$4.01, 9.)
Peru.....	Dollar.....	Silver.....	.26.8	10 and 20 crowns.
Portugal.....	Milreis of 1,000 reis.....	Gold.....	.91.8	2, 5, and 10 milreis.
Russia.....	Double of 100 copecks.....	Silver.....	1.08	¾, ½, and 1 rouble.
Sandwich Islands.....	Dollar.....	Gold.....	.73.4	
Spain.....	Peseta of 100 centimos.....	Gold and silver.....	1.00	
Sweden.....	Crown.....	Gold.....	.19.3	5, 10, 20, 50, and 100 pesetas.
Switzerland.....	Franc.....	Gold and silver.....	.19.6	
Tripoli.....	Mahibub of 20 piasters.....	Silver.....	.26.8	10 and 20 crowns.
Tunis.....	Piaster of 16 carous.....	Silver.....	.82.9	5, 10, and 20 francs.
Turkey.....	Piaster.....	Gold.....	.11.8	
United States of Colombia.....	Peso.....	Silver.....	.04.5	25, 50, 100, 250, and 500 piasters.
		Silver.....	.91.6	

The above rates will be taken in estimating the values of all foreign merchandise made out in any of said currencies imported on or after January 1, 1877.

I am, very respectfully,

LOT M. MORRILL, Secretary of the Treasury.

STATE AND TERRITORIAL GOVERNMENTS.

States and Territories.	Population in 1870.	Miles Square.	Capitals.	Governors.	Salaries.	Terms Expire.	Legisla- ture next begins	State Election on—
Alabama.....	996,992	50,722	Montgomery	George S. Houston (D)	\$3,000	Nov. 1879	Nov. 1878	8 1st Monday in Aug.
Alaska Territory.....	15,240	377,380	Sitka	W. H. Howard, M. G. (R)	4,000	April, 1877	Jan. 1878	1 Tuesday after 1st Mon. Nov.
Arizona Territory.....	41,719	113,916	Tucson	A. P. K. Sanford (R)	3,500	Jan. 1881	Jan. 1877	1 1st Monday in Sept.
Arkansas.....	481,471	52,198	Little Rock	William R. Muller (D)	3,500	Dec. 1879	Dec. 1877	4 1st Wednesday in Oct.
California.....	560,347	188,981	Sacramento	William Irwin (D)	6,000	Jan. 1881	Jan. 1878	1 1st Tu-Fri in Oct.
Colorado.....	38,894	104,500	Denver	John L. Routt (R)	1,000	Nov. 1879	Jan. 1879	4 Tuesday after 1st Mon. Nov.
Connecticut.....	537,454	4,750	Hartford	Richard D. Hubbard (D)	2,000	Jan. 1881	Jan. 1879	4 Tuesday after 1st Mon. Nov.
Dakota Territory.....	14,181	152,400	Yankton	John L. Pennington (R)	3,500	Jan. 1881	Jan. 1878	1 Tuesday after 1st Mon. Nov.
Delaware.....	125,605	2,120	Dover	John P. Cochran (D)	2,000	Jan. 1881	Jan. 1879	1 Tuesday after 1st Mon. Nov.
District of Columbia.....	131,700	60	Washington	George F. Drew (D)	4,000	Jan. 1881	Jan. 1879	1 Tuesday after 1st Mon. Nov.
Florida.....	187,748	69,246	Tallahassee	Alfred H. Colquitt (D)	4,000	Jan. 1881	Jan. 1879	1 Tuesday after 1st Mon. Nov.
Georgia.....	1,884,109	65,000	Atlanta	Mason Brayman (R)	3,500	July, 1880	Jan. 1881	1 1st Wednesday in Oct.
Idaho Territory.....	109,209	56,000	Boise City	S. B. Packard (R)	8,000	Jan. 1881	Jan. 1878	6 1st Monday in Sept.
Illinois.....	2,630,891	90,332	Springfield	Selden Connor (R)	5,500	Jan. 1881	Jan. 1878	5 2d Monday in Sept.
Indiana.....	1,860,637	33,869	Indianapolis	Shelby M. Cullom (R)	5,500	Jan. 1881	Jan. 1878	6 Tuesday after 1st Mon. Nov.
Iowa.....	685,152	68,991	Tamaqua	James D. Williams (D)	3,000	Jan. 1881	Jan. 1877	13 2d Tuesday in Oct.
Kansas.....	1,191,792	55,045	Des Moines	Samuel J. Kirkwood (R)	2,500	Jan. 1878	Jan. 1878	9 2d Tuesday in Oct.
Kentucky.....	364,399	88,318	Topeka	George T. Anthony (D)	3,500	Jan. 1881	Jan. 1877	3 Tuesday after 1st Mon. Nov.
Louisiana.....	1,321,001	37,680	Frankfort	James B. McCreary (D)	5,000	Sept. 1879	Jan. 1878	10 1st Monday in Aug.
Maine.....	726,915	41,346	New Orleans	S. B. Packard (R)	8,000	Jan. 1881	Jan. 1877	6 1st Monday in Nov.
Maryland.....	626,156	35,000	Augusta	Selden Connor (R)	5,500	Jan. 1878	Jan. 1877	5 2d Monday in Nov.
Massachusetts.....	1,457,733	11,124	Annapolis	John Lee Carroll (R)	4,500	Jan. 1880	Jan. 1878	6 Tuesday after 1st Mon. Nov.
Michigan.....	780,894	7,800	Boston	Alexander H. Rice (R)	5,500	Jan. 1881	Jan. 1877	11 Tuesday after 1st Mon. Nov.
Minnesota.....	1,184,050	7,851	Charleston	Charles M. Crosswell (R)	4,000	Jan. 1878	Jan. 1877	9 Tuesday after 1st Mon. Nov.
Mississippi.....	439,706	83,431	St. Paul	John S. Pillsbury (R)	3,000	Jan. 1881	Jan. 1877	3 Tuesday after 1st Mon. Nov.
Missouri.....	1,272,922	47,156	Jackson	J. M. Stone (D)	3,000	Jan. 1878	Jan. 1877	6 Tuesday after 1st Mon. Nov.
Montana Territory.....	1,271,956	65,340	Jefferson City	John S. Phelps (D)	5,000	Jan. 1881	Jan. 1877	13 Tuesday after 1st Mon. Nov.
Nebraska.....	30,863	143,776	Helena	Benjamin F. Potts (D)	3,500	July, 1880	Jan. 1878	1 1st Monday in Aug.
Nevada.....	162,938	75,935	Lincoln	Silas Gardner (R)	1,000	Jan. 1879	Jan. 1877	1 2d Tuesday in Aug.
New Hampshire.....	42,191	81,530	Concord	Louis R. Bradley (D)	6,000	Jan. 1878	Jan. 1877	1 Tuesday after 1st Mon. Nov.
New Jersey.....	315,596	8,180	Concord City	Person C. Cheney (R)	1,000	Jan. 1878	Jan. 1877	1 Tuesday after 1st Mon. Nov.
New Mexico Territory.....	900,666	6,520	Trenton	Josephine D. Beddoe (R)	3,000	June, 1877	June, 1877	3 1st Tuesday in June.
New York.....	111,261	121,361	Santa Fe	Samuel B. Axtell (R)	3,500	Jan. 1879	Jan. 1877	1 Tuesday after 1st Mon. Nov.
North Carolina.....	4,388,759	47,000	Albany	Lucius Robinson (D)	10,000	Jan. 1879	Dec. 1877	1 1st Monday in Dec.
Ohio.....	1,073,361	50,704	Raleigh	Zebulon R. Vance (D)	4,000	Jan. 1881	Jan. 1879	8 Tuesday after 1st Mon. Nov.
Oregon.....	2,060,380	39,964	Columbus	Rutherford B. Hayes (R)	4,000	Jan. 1878	Jan. 1877	9 1st Tuesday in Oct.
Pennsylvania.....	3,024,721	46,000	Harrisburg	L. F. G. Cover (D)	10,000	Jan. 1878	Jan. 1878	9 1st Monday in June.
Rhode Island.....	217,363	1,300	Newport	John L. Harrington (R)	1,000	Jan. 1879	Jan. 1877	27 Tuesday after 1st Mon. Nov.
South Carolina.....	705,006	34,000	Columbia	Henry L. Libbey (R)	1,000	May, 1878	Jan. 1877	2 1st Tuesday in May.
Tennessee.....	1,258,020	45,900	Nashville	D. H. Chamberlain (D)	3,500	Dec. 1879	Jan. 1881	5 Tuesday after 1st Mon. Nov.
Texas.....	818,673	74,536	Austin	James R. Porter (J. D.)	4,000	Jan. 1878	Jan. 1877	10 Tuesday after 1st Mon. Nov.
Utah Territory.....	99,440	87,162	Salt Lake City	Richard C. Cole (D)	3,500	Jan. 1880	Jan. 1878	6 1st Monday in Aug.
Vermont.....	330,561	10,212	Montpelier	George W. Fairbanks (R)	3,500	Dec. 1879	Jan. 1878	1 1st Tuesday in Oct.
Virginia.....	1,220,163	38,352	Richmond	James L. Kemper (D)	1,000	Oct. 1878	Jan. 1878	3 Tuesday after 1st Mon. Nov.
Washington Territory.....	37,402	69,994	Olympia	Elisha D. Ferry (R)	5,000	Jan. 1879	Jan. 1877	9 Tuesday after 1st Mon. Nov.
West Virginia.....	442,014	23,000	Wheeling	Henry M. Ludington (D)	2,700	Mar. 1880	Jan. 1877	1 1st Tuesday in Mar.
Wisconsin.....	1,054,670	53,924	Madison	Harrison L. Laddington (R)	5,000	Jan. 1878	Jan. 1877	8 Tuesday after 1st Mon. Nov.
Wyoming Territory.....	11,518	88,490	Cheyenne	John M. Thayer (R)	3,500	Feb. 1879	Nov. 1877	1 Tuesday after 1st Mon. Nov.

NATIONAL BANK NOTES.

REGULATIONS GOVERNING THEIR REDEMPTION.

The following regulations are adopted in lieu of all which have been heretofore issued governing the redemption of national bank notes by the National Bank Redemption Agency, under the provisions of "An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes," approved June 20, 1874, (18 Stat., 123.)

I.—THE REDEMPTION ACT.

The provisions of the said act relating to the redemption of the national bank currency are as follows:

SEC. 2. That section thirty-one of "The National Bank Act," be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national

banks, worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any Assistant Treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption, as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed, and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section thirty-two of said national bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

II.—ORIGINAL FIVE PER CENT. DEPOSIT.

1. Every newly organized national bank, with the exception of national gold banks, is required, immediately on the receipt of its circulation from the Comptroller of the Currency, to deposit in the Treasury of the United States a sum equal to five per centum thereof in lawful money of the United States, in one of the following ways:

I. By a deposit of United States notes with the Assistant Treasurer U. S. in New York, Boston, Philadelphia, or New Orleans, to the credit of the Currency Transfer Account of the Treasurer U. S., or with the Assistant Treasurer U. S. in Baltimore, Chicago, Cincinnati, or St. Louis, to the credit of the General Account of the Treasurer U. S. Banks not situated in one of the above-named cities should make the deposit through their correspondents. The original certificate of deposit must be forwarded to the Treasurer U. S. and Redemption Agent.

II. By a remittance of United States notes, addressed to the Treasurer U. S.,

marked "United States notes for credit of five per cent. fund," with the express charges thereon prepaid.

2. In estimating the circulation upon which the deposit is required, the bank must include all notes of its issue in its own possession as well as those in actual circulation.

3. A similar deposit, made in the same manner, is required on all additional circulation issued to national banks.

III.—REDEMPTION OF NATIONAL BANK NOTES.

1. The notes of national banks, other than gold banks, may be forwarded to the Treasurer U. S. and Redemption Agent for redemption, under the contract with Adams Express Company, in sums of \$1,000 or any multiple thereof, by any person, company, firm, bank, or corporation situated within the territory covered by the contract.

Remittances from banks and other parties situated without the territory covered by the contract should be marked "under contract with Adams Express Company, from , [———the point of connection with that company,] the charges should be prepaid to that point, and the bills therefor should be sent to the Treasurer U. S. and Redemption Agent, for approval and reimbursement to the consignors by Treasury drafts.

Remittances of any other amounts than \$1,000, or a multiple thereof, are not received for redemption under contract, but the charges thereon must be prepaid by the consignors.

2. Assistant Treasurers and designated depositaries of the United States are required to select from the funds received by them all notes of national banks which are worn, defaced, mutilated, or otherwise unfit for circulation, and to forward them to the Treasurer U. S. and Redemption Agent, from time to time, under the contract with Adams Express Company, in sums of \$1,000, or a multiple thereof, for their credit in general account.

3. Notes equaling or exceeding three-fifths of their original proportions, if in such condition that their genuineness can be clearly ascertained, and if the name of the bank and the signature of one of its officers are distinguishable, are redeemed for their full face value. Notes, the signatures of which have evidently become illegible from wear, are not rejected on that account.

4. Fragments less than three-fifths are not redeemed by the Redemption Agency, but should be presented for redemption to the banks by which the notes were issued. If redeemed by the banks of issue, they are

accepted by the agency at the valuation placed on them by the banks. This rule applies to fragments, which the Comptroller of the Currency has certified that he will accept for an amount less than their face value, if redeemed by the bank of issue. The regulations subjecting United States currency to discount do not apply to national bank notes.

5. The notes must be inclosed in strong straps, of sufficient width, and securely fastened. On each strap must be printed or written with ink the amount inclosed, and the name of the owner. Not less than 100 nor more than 200 notes should be placed in a strap.

6. An inventory, describing the contents by parcels and amounts, must be inclosed with every remittance.

7. All remittances of national bank notes must be addressed to the "Treasurer of the United States and Redemption Agent, Washington, D. C."

8. The packages must be put up in boxes or in wrappers of stout paper, tied with strong twine, secured by careful sealing, and plainly marked on the face of the outer wrapper with the amount and nature of the contents, the full name and address of the consignor, and the fact that they are forwarded under the contract with Adams Express Company, thus :

8.— National Bank Notes for redemption, [or for credit of five per cent. fund.] under contract with Adams Express Company.

TREASURER OF THE UNITED STATES
AND REDEMPTION AGENT,
From FIRST NATIONAL BANK,
Smithville, Ohio.

9. A letter of advice, written on not less than half a sheet of commercial-note paper, fully describing the remittance and stating the disposition to be made of the proceeds, must be put inside of the package, and a duplicate letter be sent by mail to the Treasurer U. S. and Redemption Agent on the day that the remittance is forwarded.

10. The packages, when received at the agency, are charged to and receipted for by the counters, with the seals unbroken, and each counter is required to count, return, and obtain a receipt for the contents of each package before receiving another. An inventory or schedule of the contents, according to the amounts marked on the straps, is made immediately on opening the package, and the contents of each strap are proved separately and put aside, if found to be correct. If discrepancies are found they are noted on the proper strap, which is returned to the owner. "Shorts" are at once reported and verified by the teller in charge. The packages are charged to

the counters by the amounts on the wrappers, and any discrepancy between this amount and the contents is reported as an "over" or a "short" by inventory.

11. Returns for remittances of national bank notes from Boston, New York, and Philadelphia, are made by transfer checks on the Assistant Treasurers in the cities from which the remittances are received.

12. Returns for remittances from all other places are made by express, in new legal-tender notes of such denominations as may be asked for, to the parties by whom the remittances are made, with the express charges thereon prepaid to their destination. The arrangements with the express companies forbid the furnishing of exchange for bank notes redeemed or the remittance of the proceeds to any other parties than the consignors.

13. Notes of a bank's own issue redeemed by it should be forwarded directly to the Comptroller of the Currency, with the express charges thereon prepaid. This rule does not apply to notes of a bank's own issue, received by it in the ordinary course of business, mixed with other bank notes.

14. The law officers of the department having decided that national bank notes, stolen when unsigned, and put in circulation with forged signatures, are not obligatory promissory notes of the bank under Section 5182 of the Revised Statutes, such notes are not redeemed by the agency.

15. United States currency and national bank notes, whether for redemption or credit, must be forwarded in separate packages, addressed, respectively, to the Treasurer U. S. and to the Treasurer U. S. and Redemption Agent, and must be accompanied by separate letters of advice.

16. Assistant Treasurers and depositaries of the United States, and national bank depositaries, are not required to redeem national bank notes, but they should receive, in payment of public dues, and on account of transfers of funds, all national bank notes redeemable at their full face value by the agency under the foregoing regulations.

17. National bank depositaries may forward national bank notes to the agency for their credit in general account as transfers of funds.

IV.—REIMBURSEMENT FOR NOTES REDEEMED.

1. Immediately on receipt of the Treasurer's notifications, advising them of the redemption of their notes, national banks are required to remit the whole amount due in one of the following ways:

I. By a deposit of United States notes with the Assistant Treasurer U. S. in New York, Boston, Philadelphia, or New Orleans, to the credit of the Currency Transfer Account of the Treasurer U. S., or with the Assistant Treasurer U. S. in Baltimore, Chicago, Cincinnati, or St. Louis, to the credit of the general account of the Treasurer U. S. Banks not situated in one of the above-named cities should make the deposit through their correspondents. The original certificate of deposit must be forwarded directly to the Treasurer U. S. and Redemption Agent by the bank making the deposit, as credit cannot be given on the books of the agency until it is received.

II. By a remittance of national bank notes, addressed to the Treasurer U. S. and Redemption Agent, under the contract with Adams Express Company, marked "National bank notes for credit of five per cent. fund."

2. Reimbursement may also be made by a remittance of legal tender notes or fractional currency, addressed to the Treasurer U. S. and marked "U. S. currency for credit for five per cent. fund," but the express charges, if not prepaid, are deducted from the proceeds of the remittance.

3. The law requires national banks to remit for the full amount of their notes redeemed immediately on the receipt of the calls, and does not permit them to await the receipt of the notes fit for circulation or of the certificate of the destruction of the notes unfit for circulation.

4. Assistant Treasurers are not authorized to receive either remittances of money by express or drafts, for credit of the five per cent. fund.

5. Drafts are not accepted by the agency for credit of the five per cent. fund. If received, they are returned to the sender.

6. National bank depositaries are not authorized to receive deposits for credit of the five per cent. fund.

7. In case the amount due does not exceed the five per cent. deposit of the bank, the notes fit for circulation are forwarded to it by express, and the notes unfit for circulation are delivered to the Comptroller of the Currency for destruction and replacement with new notes, on the same day that the call is made. In cases of overdraft of the bank's five per cent. account, either the fit or the unfit notes, or both, as the case may require, are held until the overdraft is made good.

8. The law requires the agency to return all notes fit for circulation redeemed by it to the respective associations by which they were issued, and to deliver those unfit for circulation to the Comptroller of the Cur-

rency for destruction, and no other disposition can be of them.

9. When a national bank has made a deposit of legal-tender notes for the purpose of retiring a portion of its circulation, all of its notes redeemed, whether fit or unfit for circulation, are charged to that deposit until it is exhausted.

V.—FIVE PER CENT. REDEMPTION FUND.

1. Banks should charge all remittances for credit of their five per cent. account, including the original five per cent. deposit, to an account designated as the "Five per cent. Redemption Fund."

2. Immediately on the receipt of the call or advice of redemption, "circulation outstanding" should be charged with the amount of both fit and unfit notes reported as redeemed, and the redemption fund credited. When the redemption is reimbursed, the redemption fund should be charged; when the notes fit for circulation are received by the bank, the circulation account should be credited, and the same course should be pursued when the incomplete currency, received from the Comptroller of the Currency in place of the unfit notes, is made ready for issue. By this method the five per cent. and circulation accounts of the bank may be made to agree at all times with those of the agency and of the Comptroller of the Currency, except as regards remittances in transit.

3. Remittances for which returns are to be made in transfer checks or new United States currency should not be charged to the redemption fund.

4. National banks which have made deposits of legal-tender notes for the purpose of retiring a portion of their circulation under section 4 of the Act of June 20, 1874, are required to maintain the five per cent. deposit only on the remainder of their circulation. The excess over the required amount is surrendered by the agency immediately on receipt of advice from the Comptroller of the Currency of the amount retired.

5. Banks may keep with the Treasurer any amount they choose in excess of the required five per cent. of their circulation, but they are not permitted to count such excess as a part of their lawful money reserve. It should be entered on their reports of their condition, under item 23—"due from U. S. Treasurer, (other than five per cent. redemption fund.)"

6. Remittances to reimburse for notes redeemed are credited "to make good" the five per cent. deposit; remittances which increase the deposit above the required amount are credited "in excess" of the five per cent. deposit; and remittances in

payment of the required deposit on the original circulation of a bank, or on additional circulation issued to it, are credited "on account" of the five per cent. deposit.

VI.—EXPRESS CHARGES.

1. The express charges on national bank notes received for redemption or credit, on United States currency returned for national bank notes redeemed, and on assorted national bank notes, fit for circulation, forwarded to the banks of issue, are advanced by the agency and afterward assessed upon the several national banks in proportion to the amount of their circulation redeemed.

2. The charges for the transportation of incomplete currency forwarded to the banks by the Comptroller of the Currency are not defrayed by the agency. It is forwarded under a contract between the Comptroller and the express company, and the charges, at contract rates, are required to be paid by the banks to which it is sent. The rates are twenty-five cents for each thousand dollars to each express company over whose lines the remittances pass.

3. The entire express charges on remittances of bank notes for redemption and returns, made in any other amounts than \$1,000 or a multiple thereof, whether less or more than \$1,000, must be prepaid; otherwise they are deducted from the proceeds of the remittances. Bank notes may, however, be sent to make good the five per cent. deposit of a bank at the expense of the agency, in any amounts for which the calls are made. Remittances for credit in anticipation of calls must be sent in even thousands of dollars.

4. The full express charges to their destination on fit notes returned to the banks of issue are prepaid by the agency, whether the banks are situated within or without the territory covered by the contract.

5. The contract with Adams Express Company extends to and includes all points within the United States "accessible through established express lines, reached by continuous railway connection," but does not extend westward beyond Omaha and Nebraska city, in Nebraska, and Atchison and Leavenworth, in Kansas, nor include the lines of Wells, Fargo & Co. in Missouri and Iowa. The contract covers the lines of the following express companies: Adams, American Merchants' Union, Central, Earl, Eastern, Harnden, Hope, Howard, National, New Jersey, Southern, Union, United States, and United States and Canada.

6. The express companies are liable for the loss or destruction of national bank

notes forwarded to the agency under the contract, except when the loss arises through the act of God or of the public enemy, and receipts of the express companies limiting their liability further than this need not be accepted by consignors.

VII.—INCOMPLETE CURRENCY.

1. The issue of new circulating notes to national banks is under the exclusive control of the Comptroller of the Currency, and any inquiry in regard thereto should be addressed to him.

2. No new currency is ordered to be printed except on requisitions from the banks, specifying the amounts and denominations desired. Banks usually order supplies in advance, from which the Comptroller remits, from time to time, new notes of their issue in return for their notes unfit for circulation destroyed.

3. Banks should advise the Comptroller of the denominations of their notes desired in return for their notes destroyed.

4. Banks should keep an account of the amount of their incomplete currency in the hands of the Comptroller, and should make requisitions for additional supplies a sufficient time in advance of the exhaustion of the currency previously ordered to cover the time necessary to have the new notes prepared by the engravers.

5. Banks are charged by the agency with the full amount of their notes unfit for circulation delivered to the Comptroller, whether the exact amount is reissued by him or not. It sometimes happens that the exact amount is not sent by him because it cannot be made up of full sheets of notes. In such case the amount due should appear on the bank's books as a deficit in its circulation account, not as an excess in its five per cent. account.

VIII.—ASSESSMENT FOR EXPENSES.

1. Under section 3 of the redemption act, the expenses incurred by the agency for "the charges for transportation and the costs for assorting" the redeemed notes of national banks are assessed upon the several banks in proportion to their circulation redeemed, and are charged to them in their five per cent. accounts.

2. All of the express charges incurred are consolidated and assessed in proportion to the amount of the notes redeemed for each bank, and all of the other charges are assessed in proportion to the number of notes redeemed for each bank.

3. Denominational registers are kept of the notes redeemed for each bank, from which the amount and number of its notes redeemed are exactly computed.

4. The assessment is made by fiscal years,

and is levied as soon after the end of each year (June 30) as the accounts can be settled and the computations made.

5. Remittance should be made for the amount of the assessment immediately on the receipt of the notice thereof, in the same manner as for notes redeemed. It is not sufficient for a bank to credit the amount to the five per cent. redemption fund on its books.

6. Banks which have made a deposit during the fiscal year for the retirement of all or a portion of their circulation are assessed only for the proportionate share of the expenses incurred in redeeming their notes prior to the making, or after the exhaustion, of the deposit. A. U. WYMAN,
Treasurer U. S. and Redemption Agent.

WASHINGTON, February 1, 1877.

"RETURN GRAIN MOVEMENT" RUMORS.—Foreign grain markets have been tame and spiritless for a long time past, especially for wheat, and our own markets have been, in the wheat connection, kept relatively higher as to prices, partly by speculative manipulation, based on the assumption of short supplies in the interior, thus seriously checking business. Export dealings in wheat at New York have been recently unimportant, shippers complaining of their inability to pay asking rates. Millers here and throughout the interior have been also very reserved in their operations, yet values have been maintained by holders with remarkable firmness. Through the past few weeks various rumors have been in circulation of return shipments of American wheat from Europe of more or less magnitude, these rumors, for the most part, being credited to "well-informed parties at Chicago," where, by the way, the speculative interest is represented as being in substantial control of the market. The rumors have had reference mostly to returning cargoes of California wheat, but at the close of the past week became more comprehensive, and hinted at "large quantities of wheat arriving at the port of New York from England, Germany, and California, with further important amounts on the way." The rumors are spoken of as having the foundation of a return shipment of very inferior Spring wheat from Glasgow, which inferior wheat is said to be in liberal supply and unmarketable there, and possibly one or two lots of California wheat, which have been involved in the return movement by the rumors which are so freely supplied from certain points at the West to the markets of the seaboard with the sufficiently obvious purpose of influencing values.

TREASON OF THE DEMOCRATIC LEADERS.

The attention of the country is called to the fact that the leaders of the Democratic party are upon their trial and will have to answer for their misdeeds. The extent of Democratic frauds in the recent election for President, on behalf of Tilden, is really appalling. And it may be said that the character and disloyal attitude of the Democratic majority in the House was permitted by Providence in order to convince the people that the Democracy were no longer a political party, but political banditti—reckless, fraudulent, and murderous, and held together by the hope of plunder on obtaining office by violence, perjury, and defiance. It will be remembered that a horde of pardoned rebel Democrats swore that they were members of the House, and had been elected from the South. So unused were the bulk of them to the duty of legislators, that having erected a Democratic majority, the work of the first session of the worst and most despicable House of Representatives the country ever had, was parceled out into two heads, viz : First, to cripple the public service by inadequate appropriations; and, second, to secure the appointment of something like fifty investigating committees, which occupied the time of the session in the preparation of false and partisan reports, and in spending the public money for witnesses and printing to an amount beyond that of any Congress known. Appropriations were exhausted and renewed, and deficiency bills were necessary to renew appropriations still exhausted. The present Democratic party arraigned the Nation, not the Republican party alone, for fighting to save the Union and for the expenses of the war incurred to suppress the Democratic rebellion—a rebellion in which these pardoned rebel Democratic members themselves participated; and as the election for the Presidency would take place before the present session, the Congressional reports of Democratic committees were used as alleged public documents, furnishing evidence of Republican extravagance, &c., thus flooding the coun-

try with Democratic falsehood, so unblushing and nefarious, that it has at last come home to the perpetrators, who cut a very sorry figure.

It would seem that the unusual spectacle of a Democratic majority in the House, made up by the aid of a multitude of pardoned Democratic rebels, who had fought against the Union, when it was known that the Republican party was in a majority in the country, had furnished the unusual opportunity of wasting a session in manufacturing lying Democratic reports ; and that the Democratic leaders, flushed with pride at their own infamy, had formed the unusual resolution of forcing Mr. Tilden, the candidate of the Democratic party, upon the people at any hazard, for they could never have expected his election if the public choice was permitted to be made. What are the wishes of the people to the Democratic party ? That party in American politics died with the defeat of the rebellion. Such of its members as survived the scattering retained the name, but were largely recruited from the ranks of slave-owners and slave-whippers, whose occupation was gone with emancipation. These worthies knew nothing of public choice or public opinion for anybody but themselves and their friends. So the Northern Democratic leaders confided to Southern rebel Democrats the delicate duty of assisting Mr. Tilden to the Presidency. Mr. Tweed, which had debauched the great State of New York, by subjecting it to the fictitious Democratic majority of the Irish Catholic colony of New York city, whose dangerous classes are intensely Democratic, led by Romish priests, who will not educate their flocks, lest they should become honest men and escape from their control. The Republican majority in the Northern States showed that few would favor Mr. Tilden. The South, which was Republican, was therefore relied upon as the great hotbed of Democratic villainy.

Democratic calculation was right. South-

ern States, with overwhelming Republican majorities, were claimed as Democratic by the use of the rifle, the revolver, and the whip, stimulated, perchance, with the "bar'l" of Mr. Tilden's money which was sent early on its travels, and the result was this: One prolonged Democratic howl went up simultaneously throughout the country, claiming Mr. Tilden's election, in the face of the bloodiest Democratic evidence of his utter and ignominious defeat. Villainy of any kind, when pitted against truth and justice, must always succumb—Democratic villainy especially, as Southern Democrats have added the crime of murder to their usual Democratic practice of packing off some fellow to Congress they said was elected, while they saved the voters the trouble of voting at the polls. This Democratic vociferation and unanimity was all preconcerted—a part of a comprehensive plan of the leaders of the Democracy. And when Congress assembled in December last, the fraudulent claim was so insolently and threateningly asserted as to induce a Republican Senate to pass the compromise bill, to bring the Democratic party to a realizing sense that it is defunct after all; that the people defeated Mr. Tilden, and won't have him anyhow; and that common decency demanded a more sober demeanor, mixed with a shade of shame at the detection of their hollow and blatant cheat. But Democratic shame is an unheard-of quality, and may be unexistent: for the same Democratic Congress rebels—for they cannot be called "Congressmen," as many of them were not elected, having merely bulldozed themselves on to the floor of the House, as their friends bulldozed for Mr. Tilden, who ought truly to have paid them handsomely—set to work to bulldoze the people by investigating the election, but always with a view to inflict Mr. Tilden on the country. The Democrats on the House committees on Louisiana, Florida, and South Carolina, and on Privileges and Elections have out-Heroded Herod. They have broken down the sanctity of every private right, and unintentionally led into public gaze a set of Democratic scoundrels who would not be believed if they were to swear till they were black in

the face. These Democratic witnesses took the oath to tell the truth, and swore to the most outrageous falsehoods, with all the grace and ease of Democratic Beau Brummells, to whom lying was natural; and when the telegraph flashed their perjury to their homes, men who knew them made affidavit that they were the veriest Democratic rascals unhanged. Littlefield, one of these most delicate perjurors, had peddled in the streets of New Orleans forged naturalization papers, which he offered to sell, and Mr. David Dudley Field almost embraced him for his perjured testimony.

But truth must triumph; and as the Republican party has nothing but the truth to rely upon, the triumph of the party will be complete. The Democrats overdid the thing. The perjury was too stupendous, while the treason of the Democratic leaders was unearthed through their own instrumentality. They are, indeed, hoist by their own petard, and will be pitchforked into that dark, cavernous abyss, the proper limbo for the aggregation of Democratic lies and frauds, while Mr. Tilden may walk the streets of New York, a wiser and a poorer man; but he will not come to Washington to be made President.

Look at the following Democratic telegrams concerning the Oregon vote. Knavery and treason are manifest. The threats indicate the deep and damning corruption of the Democracy, and justify the charge that the rebellion of the South was the rebellion of the Democratic party.

General John G. Corse, of Chicago, Ill., was before the Senate Committee on Privileges and Elections. In reply to Senator Mitchell, he testified that Colonel W. T. Pelton, of New York, telegraphed him about the 18th of November last, asking him to go to Oregon and look after an ineligible elector. Witness replied to Pelton, saying that he would go, but that it would take ten days for him to get to Oregon, and witness thought it better that some one should go from San Francisco. The witness admitted sending the following dispatches:

CHICAGO, Nov. 13, 1876.
To W. T. Pelton, Everett House, N. Y.:
The general impression is that Demo-

erats will not allow Tilden to be counted out. We are prepared to resist any fraud.

J. G. CORSE.

CHICAGO, Nov. 15, 1876.

To Perry H. Smith, St. Charles Hotel, New Orleans, La.:

If Louisiana electoral vote is stolen from us we will get California and Oregon. We have 160,000 ex-soldiers now enrolled. Vast numbers of Republicans with us. Stand firm.

CORSE.

CHICAGO, ILL.

To Hon. J. M. Palmer, New Orleans, La.:

Two hundred thousand ex-Union soldiers, embracing thousands who voted for Hayes, sustain you. If Tilden is fraudulently counted out in Louisiana the end is not yet. You have Illinois behind you.

CORSE-CAMERON.

Witness received the following :

NEW YORK, Nov. 21, 1876.

To Gen. J. G. Corse, Chicago, Ill.:

If you think it necessary you can pay National Democrat two hundred and draw on me at sight, and thus close.

W. T. PELTON.

The above referred to the paying of a bill for printing. The *National Democrat* is a German newspaper, published at Chicago.

The following dispatch was also offered in evidence by Senator Mitchell :

NOVEMBER 8, 1876.

To W. T. Pelton, Everett House, New York:

Gen. Corse left for Wisconsin, as you requested. Desired me to say that we entertained an apprehension that an effort would be made to defeat Governor Tilden in case of a close election, and that we are fully prepared for such an emergency. Over 100,000 ex-soldiers are enrolled in the North in his behalf, and from present indications with that number we can call to our aid a half million North and South, provided the opposition undertake to deprive him of his seat as Chief Magistrate.

DANIEL CAMERON.

Cameron is the private secretary of McCormick, chairman of the Illinois Democratic Committee.

Surely the President was justified in preparing to defend the country against the confessed treason of the Democratic leaders, whose threats were openly made

that they would use force to make Tilden President when the people knew they had defeated him.

WHO WILL RECOGNIZE MR. HAYES.—

In the midst of a great deal of talk about Mr. Tilden being the choice of the people, and predictions that the country will not recognize Mr. Hayes, the New York *Herald* takes the trouble to calmly analyze the situation. The conclusions deduced are well worth reading. A careful perusal of them will tend to allay excitement and show that after all the country will not be so badly disappointed in its hopes :

"Most of the great sections of the country will be quite satisfied with this result of the Presidential election. In the New England States the electoral vote, whose honesty is not questioned, stands as follows : Hayes—Maine 7, Massachusetts 13, New Hampshire 5, Rhode Island 4. Vermont 5; total, 34. Tilden—Connecticut 6.

" Hayes being the overwhelming choice of the New England States they will give his administration a warm support. Going from the extreme East to the extreme West the electoral vote in the Pacific States stands thus : Hayes—California 6, Colorado 2, Nevada 3, Oregon 3; total, 15. Tilden—none.

" Mr. Hayes will accordingly begin his term as President with the confidence and favoring good wishes of the Pacific States, which gave him all their electoral votes. Coming back to the great commonwealths which are classed as the Western States, we find this to be the state of their electoral vote : Hayes—Illinois 21, Iowa 11, Kansas 5, Michigan 11, Minnesota 5, Nebraska 3, Ohio 22, Wisconsin 10; total, 88. Tilden—Indiana 15.

" It is obvious, therefore, that Mr. Hayes will be acceptable to the West, and that an attempt to weaken his influence would not be supported by that great section. The South sets its face against filibustering or factious opposition, and counsels its Democratic brethren to give President Hayes a fair trial. That he will be pretty generally accepted in the North is evident from the fact that of the 231 electoral votes of all the Northern States Mr. Hayes received 168 and Mr. Tilden only 65. Mr. Hayes is the choice of eighteen Northern States and Mr. Tilden of only four. If the Democrats will cast their eyes abroad over the whole country they will look in vain for any section of our great country that will refuse to recognize Mr. Hayes as the lawful President of the United States."

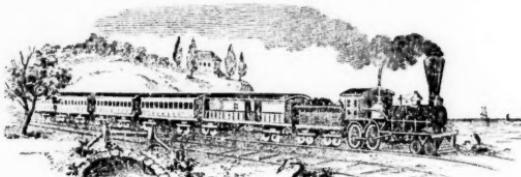
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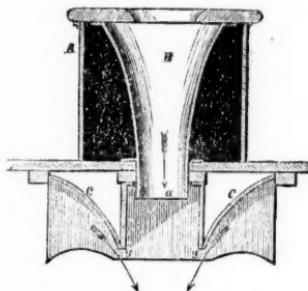
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Improved Ventilator for Railway Closets.

The annexed cut represents a section of the water-closet seat and basin pipe of a railway car, with the Improved Ventilator attachment under the floor of the car.



The motion of the train in either direction causes the air to pass downward through the forward funnel *c*, creating a vacuum at the base of the pipe *a*, thus securing a downward current through the basin pipe *B*.

The attention of Railway Companies and all others interested in the health and comfort of the traveling public is invited to the Improved Ventilator, represented in the above cut. Its simplicity commends it to all who have examined it. It effectually prevents the upward draft in the discharge pipe of Railway water-closets, thereby cutting off the

NOXIOUS GASES, DUST, WIND, AND CINDERs.

which have hitherto found their way into the cars through the closet hoppers. The Improved Ventilator has been recently introduced upon the cars of the Maine Central Railroad, and the following certificate confirms fully the advantages claimed for it by the inventor:

MAINE CENTRAL RAILROAD,
PORTLAND, ME., January 4, 1877.

LUTHER JONES, Esq., Lewiston, Me.:

DEAR SIR: We have now on the cars of this road sixteen of your Improved Ventilators for water closets. We find they possess all the advantages you claim for them, and exactly answer the purpose for which they are intended.

Yours truly,

PAYSON TUCKER,
Superintendent.

THE TRAVELING PUBLIC

will at once recognize the vital necessity of this improvement and fully appreciate the comfort and protection which it affords. It can be placed upon any car at a small expense. Upon receipt of five dollars one will be furnished for trial.

Address

Luther Jones,

Lewiston, Maine,

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How to advertise. Send 25 cents to G. P.
ROWELL & CO., New York.

\$12 a day at home. Agents wanted. Outfit
and terms free. TRUE & CO., Augusta,
Maine.

\$66 a week in your own town. Terms and
\$5 outfit free. H. HALLETT & CO.,
Portland, Maine.

\$55 to \$77 a week to Agents. Samples
free. P. O. VICKERY, Au-
gusta, Maine.

\$5 to \$20 per day at home. Samples
worth \$5 free. STINSON &
CO., Portland, Maine.

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VOL. 8.

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1877.

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